

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

Melles Hospitality Group, LLC	
t/a The Alibi Restaurant and Lounge	Fact-Finding
237 2nd Street, NW	Hearing
Retailer CR - ANC-6C	
License No. 93491	

(New Application)

January 29, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

ERIN MATHIESON, ABRA Investigator
ABYIE GHENENE, ABRA Investigator

P-R-O-C-E-E-D-I-N-G-S

(10:45 a.m.)

CHAIRPERSON MILLER: We have a
Fact-Finding Hearing that was put on the 9:30
calendar as well, that is Alibi Restaurant and
Lounge located at 237 2nd Street, N.W.,
License No. 93491, in ANC-6C.

Okay. When you are ready, why
don't we start with introductions? We can
start on my right.

MR. KLINE: Yes, good morning.
Andrew Kline on behalf of the applicant.
State your name for the record.

MR. MELLES: Abraham Melles.

MR. SCAHILL: Martin Scahill.

CHAIRPERSON MILLER: I'm sorry,
what's your name?

MR. SCAHILL: Martin Scahill.

CHAIRPERSON MILLER: Okay, um-hum.
Did you say your name?

MR. KLINE: Yes, Abraham Melles.

MR. MELLES: Abraham Melles.

1 MR. KLINE: He is the managing
2 member and 36 percent owner of the LLC.

3 CHAIRPERSON MILLER: Okay. And on
4 my left?

5 INVESTIGATOR MATHIESON: Erin
6 Mathieson, Investigator for ABRA.

7 INVESTIGATOR GHENENE: And Abyie
8 Ghenene, Investigator for ABRA.

9 CHAIRPERSON MILLER: Okay. Thank
10 you. So the Board has before it an
11 application for a new license and the Board
12 called this hearing to gather more facts,
13 because I guess Mr. Scahill, is that how you
14 pronounce it?

15 MR. SCAHILL: Correct.

16 CHAIRPERSON MILLER: Okay. My
17 notes indicate you own 49 percent share of the
18 ownership and you had been working at
19 Brother's Place in security and management
20 previously. This is just setting it and then
21 you can address it.

22 And in light of some of the issues

1 that were at Brother's Place, including sale
2 to minor, issues like that, we just want to
3 get some more information from you.

4 And also, we wanted to have the
5 investigators address an investigation they
6 did at My Brother's Place. And you will have
7 a chance to respond to that.

8 MR. KLINE: All right.

9 CHAIRPERSON MILLER: Is there a
10 question?

11 MR. KLINE: Yes.

12 CHAIRPERSON MILLER: Okay.

13 MR. KLINE: Just a couple of
14 things. One is I would note for the record
15 that I was just this minute handed an
16 investigative report, I presume, and it says
17 it relates to My Brother's Place.

18 CHAIRPERSON MILLER: Um-hum.

19 MR. KLINE: We inquired as to, as
20 we always do when these Fact-Findings are
21 scheduled, what the issues will be. And I
22 conferred with the Investigators. I'm a

1 little surprised to be handed a report as the
2 hearing has begun.

3 Be that as it may, I certainly
4 respect the Board's concern about the
5 application and its right to call this Fact-
6 Finding Hearing. But what I would like to do
7 is give an overview, which I think may go a
8 long way towards satisfying the Board, and the
9 Board probably will have questions of the
10 applicant.

11 First let me say that this is a
12 new application. This is a new business.
13 It's a completely new business. Mr. Melles is
14 the managing member. He has other business
15 interests. He runs a company called Crystal
16 Transportation -- Parking and Transportation.

17 He has also been in the restaurant
18 business. He worked in Ruth's Chris for a
19 number of years and he owned an Eritrean
20 restaurant in Virginia where he was the holder
21 or that business was the holder of an ABC
22 License.

1 He is the managing member of this
2 business and he along with his -- first
3 cousin?

4 MR. SCAHILL: Yes.

5 MR. KLINE: First cousin own a
6 majority of the interest in the business. You
7 will note that Hailemariam Negash, who is not
8 present today, is a 15 percent owner and he
9 along with Mr. Melles own a controlling
10 interest in this limited liability company.
11 And indeed, Mr. Melles, is the managing
12 member.

13 In terms of the business, this is
14 a -- gotten remodeled. This is a completely
15 new business. They have expanded the kitchen.
16 It is twice the size of what it was
17 previously. It is -- the physical plant is
18 completely different.

19 In addition to that, in terms of
20 the cliental and what they expect, they have
21 done -- they have given really quite a bit of
22 thought as to what this business will be. And

1 I would like to hand up to the Board sort of
2 a marketing overview and a summary of the
3 competition, which demonstrates the thought
4 that has been given in terms of what this
5 business will be.

6 We are aware, certainly and Mr.
7 Scahill is aware, that there are issues in
8 connection with the previous business. He was
9 not in control of that business. He was
10 involved and we know that he was certainly
11 present when there were visits to the
12 establishment, but he was not the one that was
13 in control.

14 In fact, he is not in control of
15 this business either, that is Mr. Melles, as
16 the managing member, and along with his
17 cousin, owns the majority interest in the
18 business. So this is a completely separate
19 business.

20 By way of background, the Board
21 should know that originally Mr. Melles was
22 going to buy the business, at least the

1 physical plant and the lease and what have
2 you, from My Brother's Place. That deal fell
3 apart. He then went to the landlord and
4 negotiated a lease directly with the landlord
5 for the lease of the space and from there,
6 they proceeded to apply for a new ABC License
7 and had gotten remodeled the premises to
8 reopen Alibi, which, as I said, is completely
9 different from the previous business.

10 That's kind of an overview. I
11 also have a menu here, several menus and I
12 would hand this up to the Board and ask the
13 Board to certainly inquire further as to
14 concerns that you have with respect to this
15 business.

16 CHAIRPERSON MILLER: Well, I would
17 just like to ask what Mr. Scahill's role will
18 be in this business.

19 MR. KLINE: Mr. Scahill will be
20 involved in operations. He has had experience
21 in the business. In fact, the Board should
22 also know that Mr. Scahill and Mr. Melles have

1 worked together previously, not in the
2 restaurant business, but, in connection with
3 the parking and transportation business that
4 Mr. Melles owns also.

5 Mr. Scahill has also already taken
6 ABRA's New Licensee Orientation Program and
7 will also be completing the ID Check Program.
8 You can hear from him and he is a firm
9 believer in the free training that is
10 available from ABRA and will take advantage of
11 it and has already done so with respect to the
12 New Licensee Orientation.

13 CHAIRPERSON MILLER: Okay. I do
14 just want to clarify for the record that this
15 is just a Fact-Finding. Nobody is testifying
16 under oath or being cross-examined and can ask
17 questions of each other. And I'm sorry that
18 you didn't, Mr. Kline, get a copy of this
19 report prior to this hearing. But I think
20 that our Investigators will be able to at
21 least give us a summary and I don't think it
22 will be a surprise.

1 Let me just ask this. Mr.
2 Scahill, do you have a -- did you receive a
3 copy of this investigative report, at some
4 point?

5 MR. SCAHILL: I don't receive.

6 CHAIRPERSON MILLER: You didn't?

7 MR. SCAHILL: No.

8 CHAIRPERSON MILLER: Not when you
9 were at the other restaurant?

10 MR. SCAHILL: No, I was not there
11 on full-time basis. I was on payroll --

12 CHAIRPERSON MILLER: Okay.

13 MR. SCAHILL: -- for hours worked.

14 CHAIRPERSON MILLER: Okay. Does
15 anybody have any questions right now or we can
16 hear from the Investigators and then --

17 MEMBER ALBERTI: I actually --
18 well, can I ask Mr. Scahill a question?

19 CHAIRPERSON MILLER: Sure, yes,
20 yes, go ahead.

21 MEMBER ALBERTI: All right. Well,
22 actually, I'm not sure who I should be

1 directing my first question to, but I will
2 just put it out there and whoever can answer
3 it.

4 So who is the landlord? Who is
5 the owner of this property?

6 MR. MELLES: They are not here.
7 Business One is the managing -- the property
8 manager.

9 MEMBER ALBERTI: Business One?

10 MR. MELLES: Yes.

11 MEMBER ALBERTI: Okay. Is that an
12 LLC?

13 MR. KLINE: Actually for the
14 record, since I have it handy, the landlord is
15 Second Street Properties, LLC. And I would --

16 MEMBER ALBERTI: And who are the
17 members of that?

18 MR. KLINE: I don't know, but I
19 would represent to the Board that I negotiated
20 the lease and this is an arm's length
21 transaction. I mean, there is no ownership
22 interest between this entity and the landlord.

1 It is an arm's length deal.

2 MEMBER ALBERTI: Okay. Thank you,
3 Mr. Kline. But I will tell you that my policy
4 is trust, but verify.

5 MR. KLINE: No, I have no problem
6 with that.

7 MEMBER ALBERTI: So I would ask
8 that you submit to us, before we make our
9 decision or I make my decision, who are the
10 members, all of the members of the LLC for
11 Second Street Properties, the landlord.

12 MR. KLINE: To the extent that I
13 can discover that information, I'm happy to
14 provide it, but as you may or may not know,
15 LLCs are not required to disclose who their
16 members are.

17 MEMBER ALBERTI: I understand
18 that.

19 MR. KLINE: So I mean, I will
20 certainly --

21 MEMBER ALBERTI: Well -- okay, go
22 ahead.

1 MR. KLINE: -- summarize the
2 interactions that I have with the landlord.
3 I'll put it in an affidavit, but I mean I can
4 certainly put it in an affidavit information
5 which will demonstrate this was an arm's
6 length transaction. I mean, that was what
7 went on. We would be happy to layout the
8 history in an affidavit.

9 And certainly, you know in the
10 future, so we can streamline these
11 proceedings, if we will get some notice as to
12 what the Board wants to find facts about, we
13 can certainly be better prepared.

14 MEMBER ALBERTI: Okay. Thank you
15 for that, Mr. Kline, but I will mention that
16 I will look forward to your affidavit and the
17 information you have to show that it's an
18 arm's length. One of the things I will be
19 looking for is assurances, confirmation that
20 the former owner Charles Swan or none of the
21 other owners, licensees of My Brother's Place
22 are -- have any connection to that property

1 whatsoever.

2 MR. KLINE: What I would like to
3 do then, if that's a concern, is put them
4 under oath and we will deal with that right
5 now.

6 MEMBER ALBERTI: Well, you don't
7 know who the owners are of this property, so
8 I don't know how they would know. I mean --

9 MR. KLINE: Well, I --

10 MEMBER ALBERTI: -- if you don't
11 know, certainly your clients don't know,
12 because they would have communicated that to
13 you.

14 MR. KLINE: Mr. Alberti, with all
15 due respect, I don't know how the owners of
16 the real property are terribly relevant to
17 this ABC licensing proceeding. The issue is
18 who owns and operates this business, who will
19 have an interest in this business, who will
20 manage this business and with all due respect
21 and I do say that my information is there is
22 no connection between them, but I think the

1 relevant issue is who owns this business, not
2 who is the landlord.

3 MEMBER ALBERTI: Let me break it
4 down for you. It's very simple, Mr. Kline.
5 If Mr. Swan or one of the former licensees of
6 My Brother's Place is an owner of that
7 property, then that calls into question, to me
8 at least, whether or not this is an arm's
9 length transaction. Is that clear enough for
10 you?

11 MR. KLINE: Yes. I mean, I --

12 MEMBER ALBERTI: Okay. Thank you.

13 MR. KLINE: -- understand what you
14 are saying.

15 MEMBER ALBERTI: All right. Thank
16 you. All right. Mr. Scahill?

17 MR. SCAHILL: Yes, sir?

18 MEMBER ALBERTI: You worked for My
19 Brother's Place in the past?

20 MR. SCAHILL: In more of an
21 advisory role or, you know, helping out as an
22 investment owner.

1 MEMBER ALBERTI: You were an
2 investment owner?

3 MR. SCAHILL: I was an investment
4 owner. I was not on the payroll.

5 MEMBER ALBERTI: So you owned what
6 you were --

7 MR. SCAHILL: I put some money in.

8 MEMBER ALBERTI: And how much of
9 an interest did you own of My Brother's Place?

10 MR. SCAHILL: It was 8 percent.

11 MEMBER ALBERTI: How much?

12 MR. SCAHILL: 8.

13 MEMBER ALBERTI: 8 percent?

14 MR. SCAHILL: Correct.

15 MEMBER ALBERTI: Okay. So you are
16 -- well, I'll have to check to see if your
17 name appeared. Just one moment. Okay. Thank
18 you. I'm sorry for that interruption.

19 So I'm not sure you answered my
20 question. Did you work there?

21 MR. SCAHILL: Sorry? Did I work
22 there? Periodically.

1 MEMBER ALBERTI: All right. As an
2 employee or just as an investor?

3 MR. SCAHILL: As an investor. I
4 was not paid.

5 MEMBER ALBERTI: Okay. Very good.
6 Describe your sort of involvement, duties for
7 the former license, My Brother's Place. What
8 did you do for them?

9 MR. SCAHILL: Just help out with
10 some administrative tasks and I used to
11 sometimes help at the door sometimes during
12 the weekends and so forth. You know, I would
13 consult somewhat with Catholic University on
14 some steps. I was actually involved in trying
15 to collectively come up with ways that we
16 could control some of the concerns we had with
17 the underage drinking there, so we worked with
18 them.

19 I scheduled twice yearly meetings
20 with Catherine Jennings and the students
21 there.

22 MEMBER ALBERTI: So is it fair to

1 say that you were -- acted as a representative
2 for this license in communications with
3 Catholic University?

4 MR. SCAHILL: Myself and the ABC
5 Board, yes, we worked together on that.

6 MEMBER SILVERSTEIN: I'm sorry?

7 MEMBER ALBERTI: No. As a
8 representative of the licensee?

9 MR. SCAHILL: Oh, yes, yes.

10 MEMBER ALBERTI: Okay. So you
11 were. Okay. And you were -- this is my next
12 question. And you were a representative of
13 the licensee in communications and
14 interactions with the ABRA personnel?

15 MR. SCAHILL: I wasn't on the ABC
16 License, no, but I mean, did I help with --

17 MEMBER ALBERTI: Did you act as a
18 representative?

19 MR. SCAHILL: Sometimes, yes.

20 MEMBER ALBERTI: Okay. Thank you.
21 How long of a period were you functioning in
22 those roles?

1 MR. SCAHILL: It was on and off.
2 The last time really was probably in May of
3 2012.

4 MEMBER ALBERTI: How long? When
5 did it start? 2010? 2000?

6 MR. SCAHILL: It was 2010. Yeah,
7 it would probably be 2010.

8 MEMBER ALBERTI: And were you an
9 owner or part owner before then?

10 MR. SCAHILL: Correct, yes.

11 MEMBER ALBERTI: You were? When
12 did you become a part owner?

13 MR. SCAHILL: October 6, 2004 is
14 when --

15 MEMBER ALBERTI: Pardon?

16 MR. SCAHILL: -- the business --
17 this is October 6, 2004 when the business was
18 started.

19 MEMBER ALBERTI: Okay. And when
20 did you start sort of actively being part of
21 this business? Sort of more on the day-to-
22 day. I mean, I would assume -- and I say day-

1 to-day because you acted as a representative
2 in communications with ABRA staff and ABRA
3 Investigators. You acted as a representative
4 in communications with Catholic University.

5 So you had a pretty active role.
6 When did that begin?

7 MR. SCAHILL: That was probably
8 around the 2009/2010 time period.

9 MEMBER ALBERTI: Okay. And why
10 not before then?

11 MR. SCAHILL: I was -- I had full-
12 time employment. I also had another business
13 that I had in Virginia, a business, Mortimer
14 Chemicals of Europe.

15 MEMBER ALBERTI: Just bear with me
16 for a moment. Do you remember meeting in
17 March some time of 2012 with our Investigators
18 and members from Catholic University?

19 MR. SCAHILL: At Catholic
20 University?

21 MEMBER ALBERTI: I don't remember.
22 I don't know where it is.

1 MR. SCAHILL: There was a meeting
2 at Catholic University, that would be correct.

3 MEMBER ALBERTI: With Catholic
4 University and our Investigators?

5 MR. SCAHILL: Correct. That was
6 arranging schedules, yes.

7 MEMBER ALBERTI: Do you recognize
8 the Investigators?

9 MR. SCAHILL: I do.

10 MEMBER ALBERTI: That are sitting
11 here?

12 MR. SCAHILL: Yes.

13 MEMBER ALBERTI: Okay. All right.
14 Isn't it true that at that meeting you talked
15 about concerns about underage drinking at My
16 Brother's Place?

17 MR. SCAHILL: That was our major
18 reason to have the meetings, correct.

19 MEMBER ALBERTI: Okay.

20 MR. SCAHILL: It was to try and
21 come up with ways to, you know, improve the
22 relationship.

1 MEMBER ALBERTI: And it's in our
2 report here that somewhere in mid-October you
3 sent an email to our Investigators stating
4 "That with training completed for the security
5 staff for better surveillance measure in
6 place, we feel comfortable allowing a few
7 under 21 events on a limited basis for special
8 occasions."

9 MR. SCAHILL: I --

10 MEMBER ALBERTI: Do you remember
11 sort of making that general statement?

12 MR. SCAHILL: -- was not actually
13 in charge of making those decisions and that,
14 I believe, was Nelson Arias that had directed
15 that letter.

16 MEMBER ALBERTI: Okay. But it
17 came from you. Is that correct?

18 MR. SCAHILL: No, it did not come
19 from me. It came from Nelson Arias.

20 MEMBER ALBERTI: All right. So
21 your name wasn't on that email?

22 MR. SCAHILL: I'm not aware of

1 that.

2 MEMBER ALBERTI: All right. Well,
3 I think we can check. All right.

4 MR. SCAHILL: Okay.

5 MEMBER ALBERTI: But that's -- my
6 question is so what was your involvement, if
7 any, in setting policies for My Brother's
8 Place?

9 MR. SCAHILL: I was not a decision
10 maker in the process.

11 MEMBER ALBERTI: So you had no --
12 you were not part of the process of making
13 decisions as to whether to have under 21 or
14 over 21 events?

15 MR. SCAHILL: Unfortunately not.

16 MEMBER ALBERTI: Okay. Did you
17 have any role in training people?

18 MR. SCAHILL: No, I did not.

19 MEMBER ALBERTI: Okay. Were you
20 yourself trained?

21 MR. SCAHILL: I --

22 MEMBER ALBERTI: Let me take that

1 back. Were you yourself trained in areas of
2 ID checking, recognizing underage drinking and
3 the like?

4 MR. SCAHILL: I have consulted
5 with Mr. Jackson and he had scheduled certain
6 training classes, you know, with our group.
7 I was one to instigate it, because they had
8 problems in the past with consulting with this
9 company.

10 MEMBER ALBERTI: So were you
11 trained?

12 MR. SCAHILL: Yes. We had -- we
13 were having some training. It was, you know,
14 on its way there, yes, correct.

15 MEMBER ALBERTI: What was that
16 last? You had some training?

17 MR. SCAHILL: We were having -- I
18 had some training, training that -- I was the
19 one in charge of training, the security
20 measures or indeed any sort of decision making
21 process, but --

22 MEMBER ALBERTI: How much

1 training? I mean, you say some training. We
2 were in --

3 MR. SCAHILL: Well, he certainly
4 came down and he started the training process
5 with us, correct.

6 MEMBER ALBERTI: Did he finish?

7 MR. SCAHILL: Well, I left before
8 that.

9 MEMBER ALBERTI: So you weren't
10 fully trained?

11 MR. SCAHILL: I would go along
12 with that, that's a fair statement, yes.

13 MEMBER ALBERTI: And yet they had
14 you in charge. Didn't you find it odd that
15 you weren't fully trained and they had you in
16 charge of checking IDs at the door? Didn't
17 that concern you as a part owner?

18 MR. SCAHILL: That's why we
19 started the program, yes. We had started the
20 program with Mr. Jeff Jackson, the training
21 manuals that he had there and I had left
22 before the training was complete. And then I

1 no longer had any involvement in the business.

2 MEMBER ALBERTI: Okay.

3 MR. SCAHILL: Because a lot of the
4 regulation things I wanted to have happen were
5 not being implemented and since I wasn't part
6 of the decision making process there, I found
7 it frustrating.

8 MEMBER ALBERTI: Okay. What
9 wasn't being implemented?

10 MR. SCAHILL: Some of the policies
11 and procedures I felt would be --

12 MEMBER ALBERTI: Well --

13 MR. SCAHILL: -- better.

14 MEMBER ALBERTI: -- I'm asking you
15 what were they?

16 MR. SCAHILL: Better enforcement,
17 you know, more --

18 MEMBER ALBERTI: Meaning what?

19 MR. SCAHILL: -- not having any
20 under 21 events.

21 MEMBER ALBERTI: I'm sorry to
22 interrupt you, but I just --

1 MR. SCAHILL: Sorry.

2 MEMBER ALBERTI: -- find it easier
3 if I go -- as we go on. Better enforcement,
4 what's that mean?

5 MR. SCAHILL: Well, I would put
6 more stringent, you know, security measures in
7 place. I would not have any under 21 events
8 there whatsoever myself. I didn't agree with
9 them at all. I thought that was a big risk we
10 shouldn't be taking.

11 MEMBER ALBERTI: Okay. What else?
12 What other policies did you not agree with?

13 MR. SCAHILL: Well, there was some
14 of the recordkeeping, bar receipts were not as
15 stringent as they should have been. Now, I
16 did work with the -- when we had the -- you
17 know, I have worked with the Audit Commission
18 here, which they found, you know, with --
19 whatever records I was keeping, they found it
20 completely fine and everything was passed and
21 there was no problems with that.

22 But since I wasn't there on a

1 full-time basis, I found that other people
2 didn't follow-up as well as they should have
3 done, in my opinion.

4 MEMBER ALBERTI: Okay. So what
5 training did you get exactly? I mean, you got
6 some training. What training exactly did you
7 get?

8 MR. SCAHILL: Well --

9 MEMBER ALBERTI: This is important
10 for me to know.

11 MR. SCAHILL: Yes. I mean, Jeff
12 Jackson did go through and we did have the
13 books and certain things as far as needed
14 straightened out. And he did go through
15 certain areas to look for on certain
16 identifications that we have in America. They
17 have like different driving licenses.

18 We found it very hard, you know,
19 to get with the scanners. We looked at
20 different scanners, but we found that they had
21 some certain concerns as well. We worked --
22 the question is there is a myriad of things

1 you have to check.

2 For instance, some of the --
3 certain things, how the card feels, you know,
4 what sort of holograms to look for, you know,
5 some obvious sort of things. I mean, in
6 Europe they have one ID and that's for
7 everyone and it's not easy to do that.

8 But it is an ongoing thing. I
9 think there should be more. I know you have
10 classes here, which we would be happy to take.

11 MEMBER ALBERTI: So you are
12 telling me you were trained on detection of--

13 MR. SCAHILL: Some detection of--

14 MEMBER ALBERTI: -- fake IDs?

15 MR. SCAHILL: -- certain things,
16 small things there, yes.

17 MEMBER ALBERTI: Okay. What else
18 were you trained on?

19 MR. SCAHILL: In what aspects? As
20 far as the security --

21 MEMBER ALBERTI: He did the
22 training.

1 MR. SCAHILL: -- aspect or towards
2 the --

3 MEMBER ALBERTI: Everything. I
4 don't -- you go for it. Tell me everything
5 you were trained on by Mr. Jackson.

6 MR. SCAHILL: By Mr. Jackson.
7 Okay.

8 MEMBER ALBERTI: If there was
9 other training, then we will get to that, but
10 Mr. Jackson.

11 MR. SCAHILL: Okay. It was -- it
12 has been a while ago now, you know, but it was
13 -- a lot of it was ID identification, the
14 type, feel of the ID, using the blacklights
15 and things the blacklight -- and for what
16 information that ends up doing.

17 As far as, you know, detecting,
18 you know, the people that have been -- you
19 know, that have -- the intoxicated patrons,
20 how to deal with intoxicated patrons, the use
21 of force training, you know, what were you
22 legally and not legally able to do. The

1 different detection -- a better way to do
2 wristbands, ones that go on and off, you know,
3 general things to look for.

4 MEMBER ALBERTI: Okay. Okay.
5 Back in October of 2012, that's when this
6 report is from, towards the end of October.
7 It was a Friday night this report -- the
8 incident in this report. You were at the door
9 checking IDs, according to this report.

10 So back in October 2012, were you
11 employing a blacklight?

12 MR. SCAHILL: You know, in October
13 2012, I had previously mentioned, I left in
14 May 2012. You know, left in May. That was
15 probably a very odd occasion where they may
16 have asked me to help out. There's more than
17 one person at the front door. There was
18 actually three people employed at the front
19 door or utilizing the front door.

20 Because I only live about a mile
21 and a half away, I think somebody asked me
22 just to come in, but I was really of no

1 capacity. That was like an odd occasion that
2 I happened to be there. They asked me to come
3 in because they needed somebody. I offered to
4 help, to come in. But that was certainly not
5 a regular situation.

6 So what policies and procedures
7 they had in place there, no, there was not a
8 blacklight available to us at the time when I
9 was asked to help.

10 MEMBER ALBERTI: Okay. So let's
11 go back. So you say you left in May?

12 MR. SCAHILL: Correct.

13 MEMBER ALBERTI: And between May
14 and the end of 2012, what was your
15 involvement --

16 MR. SCAHILL: None.

17 MEMBER ALBERTI: -- in the
18 business?

19 MR. SCAHILL: If somebody would
20 need to do something, I mean, you know, the
21 quarterly reports, I could do a quarterly
22 report or it was very, very minimal, because

1 I was working on a different venture.

2 MEMBER ALBERTI: How often were
3 you there?

4 MR. SCAHILL: Very rarely. Maybe
5 once every -- once or twice a month.

6 MEMBER ALBERTI: Okay. So my
7 question was were you employing blacklights in
8 and around --

9 MR. SCAHILL: No, no, no.

10 MEMBER ALBERTI: -- October of
11 2012?

12 MR. SCAHILL: No. They weren't
13 available to us at the time on that particular
14 day, no.

15 MEMBER ALBERTI: Okay. Did you
16 ever have blacklights? Did they ever employ
17 blacklights?

18 MR. SCAHILL: Not to my knowledge.

19 MEMBER ALBERTI: When was this
20 training with Mr. Jackson done?

21 MR. SCAHILL: That was done right
22 around the March -- until about April 2012

1 until May 2012.

2 MEMBER ALBERTI: Okay. Okay. Did
3 you ever employ any other devices to detect
4 fake IDs? Physical devices.

5 MR. SCAHILL: Physical? Apart
6 from the book, the handbook and the
7 flashlight. The flashlight was something I
8 always made sure I had with me.

9 MEMBER ALBERTI: What did the
10 flashlight do?

11 MR. SCAHILL: Sometimes it helps
12 illuminate it to help see the holograms on the
13 side there, so you had a lot of times when it
14 -- if it was late at night and dark, you could
15 help illuminate things. You could shine and
16 mainly see the holograms as well.

17 MEMBER ALBERTI: Okay. Thank you.
18 I'm going to pause right now and I think
19 that's it for now.

20 CHAIRPERSON MILLER: Mr. Brooks?

21 MEMBER BROOKS: Yes. Thank you,
22 Madam Chair. Mr. Scahill, do you -- what days

1 of the week did you say that you were checking
2 IDs when you were there?

3 MR. SCAHILL: The only days really
4 that I was of any interest was Friday and
5 Saturdays.

6 MEMBER BROOKS: Friday and
7 Saturday.

8 MR. SCAHILL: Friday and Saturday
9 nights.

10 MEMBER BROOKS: Okay.

11 MR. SCAHILL: Yes.

12 MEMBER BROOKS: And do you recall
13 that Friday night when the ABRA Investigators
14 came in to check for underage drinking?

15 MR. SCAHILL: I do remember that
16 specific night, yes.

17 MEMBER BROOKS: And what occurred?

18 MR. SCAHILL: Well, they came out
19 and they were observing us for a while. I
20 noticed that they were there. And then they
21 asked if they could go in and look -- and
22 speak to any of the patrons that were inside,

1 which, of course, they went inside. Then they
2 brought it to the attention that some people
3 had fake IDs that they found out that they
4 were fake. I also remember I showed them, at
5 the time, I said I also had about eight of
6 them that I had collected that evening as
7 well. I used to hand them in regularly to
8 Catholic University with Catherine Jennings
9 and the students.

10 MEMBER BROOKS: Okay. Were you
11 the only one on the door at the time?

12 MR. SCAHILL: No, I was not.
13 There was three people at the door. Yes,
14 there was three people at the door.

15 MEMBER BROOKS: So there were some
16 people who were allowed to get in with fake
17 IDs?

18 MR. SCAHILL: No, they were not
19 allowed to get in with fake IDs. But if it
20 wasn't noticed -- those ones from China now,
21 I mean, they got the same --

22 MEMBER BROOKS: Well, that's what

1 I'm asking you. I mean, I'm not --

2 MR. SCAHILL: The ABC --

3 MEMBER BROOKS: -- saying it's
4 your fault.

5 MR. SCAHILL: -- Investigators
6 determined that they may have been fraudulent
7 after talking with the people. They may not
8 have been the correct ID, correct.

9 MEMBER BROOKS: Okay.

10 MR. SCAHILL: Does that answer
11 your question? Sorry.

12 MEMBER BROOKS: Yes, it did.

13 MR. SCAHILL: Okay.

14 MEMBER BROOKS: Thank you, Madam
15 Chair.

16 MEMBER ALBERTI: May I have just a
17 couple follow-up questions?

18 CHAIRPERSON MILLER: Okay.
19 Because we are also, you know, going to hear
20 the Investigators and they can be --

21 MEMBER ALBERTI: Yes, no, I do,
22 but I --

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: -- will -- I'll
3 get to them.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: I understand. I
6 won't overlap.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: So, Mr. Scahill,
9 around this October date, September of 2012,
10 what kind of wristbands were being used?

11 MR. SCAHILL: The standard
12 wristbands, I believe, for that day
13 themselves, I recall that day, there was three
14 different types of wristbands. You had an
15 underage wristband that says no one under 21,
16 it's a light green color. And then there is
17 an over 21 wristband, which it varied in
18 color. There is a dozen different colors.

19 MEMBER ALBERTI: Okay.

20 MR. SCAHILL: And then there was a
21 special drinks promotion one as well that had
22 a different color on it. There was strictly

1 just one that says under 21. The reason for
2 this was that everyone had to have a wristband
3 in there.

4 MEMBER ALBERTI: Okay.

5 MR. SCAHILL: So they couldn't
6 just take them off or something like that. If
7 somebody was caught, the general policy was,
8 underage without a wristband whatsoever, they
9 were removed from the premises.

10 MEMBER ALBERTI: And --

11 MR. SCAHILL: That was up to the
12 security on the inside in order to say that.

13 MEMBER ALBERTI: Okay. And what
14 material? What material were they made of?

15 MR. SCAHILL: Tyvek material.

16 MEMBER ALBERTI: Okay. And how
17 did they fasten?

18 MR. SCAHILL: They fastened with a
19 piece of self-adhesive thing that come off and
20 then it peels off and they stick, so they
21 would have to actually tear apart --

22 MEMBER ALBERTI: Okay.

1 MR. SCAHILL: -- before they would
2 come off. They weren't simply paper. It was
3 a company that -- I forget the name of the
4 company.

5 MEMBER ALBERTI: Okay. I get the
6 idea. I'm familiar with this. All right.
7 Thank you. I have no further questions.

8 CHAIRPERSON MILLER: Okay. Any
9 other questions for now?

10 MEMBER SHORT: I do.

11 CHAIRPERSON MILLER: Okay. Mr.
12 Jones is joining us. Welcome, Mr. Jones.

13 MEMBER SHORT: Mr. Scahill, could
14 you identify how many times the police were
15 called and how many assaults or crimes were
16 committed at your establishment?

17 MR. SCAHILL: I really was there
18 part-time. You know, I really couldn't answer
19 that question.

20 MEMBER SHORT: Did any of those
21 occur while you were working?

22 MR. SCAHILL: That the police were

1 called?

2 MEMBER SHORT: Yes.

3 MR. SCAHILL: Yes, I seem to
4 remember there was an instance where the
5 police was called, there was an altercation or
6 something, nothing that needed an ambulance
7 for or anything else like that. But it could
8 be something like an unruly patron that
9 wouldn't leave. I mean, we did actually
10 employ the -- I would say the police were
11 employed as a -- what do they call it? A
12 separate sort of instant when they are there
13 and then the police -- they had -- they
14 employed a policeman under like special duty
15 or something like that. I forget the name of
16 it. I wasn't really involved.

17 MEMBER SHORT: Special detail.

18 MR. SCAHILL: Special detail, that
19 was it. There was a policeman there, you
20 know, towards the end that was employed by --
21 like I said, I wasn't involved.

22 MEMBER SHORT: Was anybody ever

1 arrested while you were working?

2 MR. SCAHILL: Anyone arrested?

3 No, I don't believe so.

4 MEMBER SHORT: No one was ever
5 arrested?

6 MR. SCAHILL: I don't believe so,
7 no. Not that I can recall.

8 MEMBER SHORT: Not while you were
9 working?

10 MR. SCAHILL: No.

11 MEMBER SHORT: One last question.
12 Do you have any history of anyone ever being
13 arrested at the establishment?

14 MR. SCAHILL: Do I have any -- not
15 that I can recall, no.

16 MEMBER SHORT: Thank you.

17 CHAIRPERSON MILLER: Okay. Any
18 others for now? Okay. So I think that we
19 should hear from our Investigators because --
20 I'm sorry you didn't get a copy of this report
21 earlier, but it stems from the report that has
22 been -- the case has been referred to with

1 ABRA in October.

2 Maybe they could summarize a
3 little more. And there was an incident there
4 where they found a lot of underage patrons.
5 And so --

6 MR. KLINE: Madam Chairman, may I
7 get some clarity as to what this procedure is?
8 I mean, I respect the Board's right to do a
9 Fact-Finding. I have heard at least one Board
10 Member refer to a decision in terms of what
11 their vote might be.

12 And I'm a little concerned that we
13 have a new application. This gentleman has
14 over \$300,000 invested in this business. We
15 are through the placarding process. This
16 business will be ready to open in March. And
17 I know of at least one other instance where we
18 have had these kind of hearings and it just
19 kind of sits.

20 So we seem to have a lot of talk
21 about My Brother's Place. This applicant is
22 not My Brother's Place. This individual is

1 not the majority owner of this business. He's
2 not the managing member. I respect the
3 Board's concerns, but I want to make sure that
4 we are in a decision framework here to move
5 this application forward and that there is
6 some process that we are dealing with rather
7 than we don't have anybody under oath.

8 I mean, I don't really exactly
9 know what we are doing here.

10 CHAIRPERSON MILLER: Okay. Well--

11 MR. KLINE: And maybe that's me.

12 Maybe I just don't get it, but I would --

13 CHAIRPERSON MILLER: No, I --

14 MR. KLINE: That's fine. But as
15 counsel --

16 CHAIRPERSON MILLER: I'm sorry?

17 MR. KLINE: -- I would appreciate
18 understanding what the Board intends to do
19 with this proceeding.

20 CHAIRPERSON MILLER: Okay. Let me
21 just say generally, a Fact-Finding can have
22 that vagueness to them and I agree the more

1 notice you have the better, what are the
2 issues, fine. My understanding is because of
3 his involvement at Brother's Place, it raised
4 some concerns about underage drinking.

5 And so for that reason, we just
6 want to air that here, get that addressed.
7 The decision is okay, we have this application
8 before us. Do we have any concerns? Let's
9 just deal with the concerns and then if we get
10 this resolved, it will move forward.

11 It's basically that and --

12 MR. KLINE: But what will be the
13 mechanism for getting those resolved, I guess,
14 is my question.

15 CHAIRPERSON MILLER: The
16 application would move -- oh, mechanism for
17 getting -- well, we're trying to get the
18 information now. I think that's the point.
19 I think we are asking -- putting on the table,
20 you know, whatever cloud there is or whatever
21 allowing you all to address it and that is the
22 mechanism for getting it resolved.

1 MR. KLINE: And will the Board be
2 making some sort of decision?

3 MEMBER ALBERTI: Madam Chair?

4 CHAIRPERSON MILLER: A decision
5 would be --

6 MEMBER ALBERTI: May I posit or
7 give a hypothetical of where this could go?
8 I mean, I think my impression is this is just
9 sort of preliminary Fact-Finding and depending
10 on the outcome, the Board can either approve
11 this license or we might move to something
12 I'll call a Contested Fact-Finding where we
13 take sworn testimony, because if we had
14 concerns, continuing concerns about licensing
15 these applicants, then that would probably be
16 the next approach.

17 And I'm just throwing that out
18 hypothetically.

19 MR. KLINE: Well, as we move
20 forward, let me just throw this out. This man
21 has several hundred thousand dollars invested.
22 If the Board's position is that this

1 gentleman, Mr. Scahill, should not be involved
2 in the licensee in terms of running it,
3 please, tell us and we can certainly -- I
4 mean, he has got The Boots with his cousin.

5 I mean, my concern is that this
6 application is not just set. And I say that
7 based on experience with at least one other
8 application that there be some defined process
9 to what we are doing. We are happy to answer
10 all the Board's questions.

11 I am disappointed that we had made
12 inquiry and were given the report as we were
13 entering the hearing. Be that as it may, we
14 are happy to answer all the Board's questions.
15 I just want to make sure -- and I implore the
16 Board to, please, have a process where
17 decisions will be timely made and this
18 gentleman's investment will not be at risk
19 because there is no process. That's all I
20 ask.

21 CHAIRPERSON MILLER: Okay. We
22 hear you. Why don't we --

1 MEMBER SILVERSTEIN: Mr. Kline, I
2 think it's important that we do our due
3 diligence. I think we all understand this was
4 a troubled situation at the end. That we
5 cannot tell you what is going to have to be
6 done until we learn what is before us.

7 And this is a Fact-Finding. Once
8 we know the facts, then we can know a way
9 forward.

10 MR. KLINE: I understand. And I'm
11 not asking for what you are going to do.

12 MEMBER SILVERSTEIN: Okay.

13 MR. KLINE: I'm just asking what
14 the process is, because it's not very clear to
15 me what our process is.

16 MEMBER SILVERSTEIN: I think that
17 our process, at this point, is to determine
18 what is before us. And at that point, we can
19 determine a way forward. And I think that we
20 all intend to do so expeditiously and I'm
21 anxious to find out what our Investigators
22 have to say.

1 MR. KLINE: Okay.

2 CHAIRPERSON MILLER: Okay.

3 INVESTIGATOR MATHIESON: Okay.

4 Well, I guess, I'll just start by kind of
5 touching on what was discussed by the Board
6 and the licensee.

7 In 2012 from the period of
8 February through December, there were actually
9 three investigative reports that were
10 generated for a sale to minor.

11 The first one was the February 26,
12 2012 incident where myself and Investigator
13 Ghenene went to the establishment and
14 identified, I believe it was, a total of 14
15 underage people inside. Only a portion of
16 those had fake IDs. Some of them were, I
17 think, under 21 wristbands and somehow managed
18 to get drinks. I think some didn't have IDs.
19 There was a blend of what actually occurred,
20 but not all of them had fake IDs.

21 After that incident, I received a
22 phone call from the -- Mr. Scahill, who

1 identified himself as the owner of My
2 Brother's Place and requested a meeting with
3 us at ABRA. Mr. Arias, who is listed on the
4 license as the owner, came along with Mr.
5 Scahill and we both met to discuss the issues.

6 Mr. Scahill told us that he was
7 out of town. He is only there every weekend.
8 The only reason this occurred was because he
9 and Mr. Arias had been out of town.

10 We subsequently then went to
11 Catholic University, myself and Investigator
12 Ghenene, to meet with Catholic to discuss
13 this, as it was a Catholic University student.
14 They had a number of issues with My Brother's
15 Place that they had communicated to us at the
16 meeting.

17 It was only Mr. Scahill who came
18 to represent the establishment. We all met to
19 discuss issues. Mr. Scahill stated that they
20 were no longer going to do the 18 and under
21 21, also in my report, too, but he advised us
22 specifically that there would be no more 18

1 and overs and that was how they were going to
2 first start to fix this problem.

3 And additionally, they were going
4 to get everybody trained on security and so on
5 and so forth.

6 On March 17, 2012, myself and
7 Rachel Wainer, also in the exhibits of the
8 February 2012 report, and that he stated that
9 it was, I should say, from Mr. Scahill, signed
10 Mr. Scahill of My Brother's Place and said
11 this is Martin from My Brother's Place. I
12 wanted to advise you what has been going on.

13 He said they completed security
14 staff -- training was completed for the
15 security staff and better surveillance and
16 measures were put in place. And he said "we
17 feel comfortable in allowing a few under 21 on
18 a limited basis for special occasions." And
19 then again, it's just signed Martin Scahill.
20 So that was the February 26, 2012.

21 We received a number of complaints
22 at the start of the next semester from

1 Catholic University referencing My Brother's
2 Place. There was an email which is in the
3 October 26, 2012 report that was generated
4 from Martin Scahill to Rachel Wainer in
5 response to some complaints that she had.

6 She had initially addressed her
7 email to Nelson Arias listing her complaints
8 and Mr. Scahill responded. And again, the
9 date on that email was September 25, 2012.

10 And during that -- or in that
11 email, I should say, Item No. 2 was listed and
12 it says "I was working at the door that night
13 as I am every Saturday night." And again the
14 date on that is September 25, 2012. The email
15 goes on to list some other things. And he
16 suggests having a meeting with Ms. Wainer, I
17 suppose. It was addressed to her.

18 So after that September 25th email,
19 there were a couple of other incidents. We
20 went back on October 26 and we identified a
21 total of 11 people inside the establishment
22 that were under 21 years-old and consuming

1 alcohol.

2 On that occasion, the October 26th
3 occasion, Mr. Scahill was at the door himself
4 checking the identifications and that as after
5 he had advised that the security training had
6 taken place and so forth. And so he was the
7 one personally at the door that evening.

8 There were a number of fake IDs
9 listed in the report. I think there were a
10 total of nine that were confiscated, but then
11 there were also a number of under 21 year-olds
12 who somehow managed to get wristbands. They
13 turned their wristbands upside down. They had
14 the under 18 wristbands that were turned
15 upside down.

16 And then there were two patrons
17 who were identified as highly intoxicated
18 unable to walk who were wearing under 21 year-
19 old wristbands. So that was kind of the
20 synopsis of the October 26th.

21 After that incident, there was
22 another incident on December 1, 2012 where Mr.

1 Scahill was again at the establishment
2 working. That investigative report was done
3 by Brian Molloy, who is no longer an
4 Investigator with us, but nevertheless in that
5 incident, there were three people who were
6 identified as under 21 with alcoholic
7 beverages. And again, Mr. Scahill was at the
8 establishment. That date again was December
9 1, 2012.

10 Additionally, on a Facebook page,
11 for My Brother's Place, there have been
12 several advertisements on there. The latest
13 one was January 5th referencing The Alibi and
14 the opening of The Alibi. There was one on
15 October 1, 2013 and then again, like I said,
16 January 5, 2014 was the last one.

17 Furthermore, on October 26th there
18 was also a post of Facebook referencing a pre-
19 opening of what was My Brother's Place and is
20 now The Alibi stating that the party was not
21 open to the public. The party said it was
22 partly to reintroduce old regulars to the new

1 and updated bar.

2 It says "Please remember the bar
3 cannot and will not have alcohol, so guests
4 must bring their own." Unfortunately, we were
5 not able to -- we didn't get that information
6 until after the party occurred, so we weren't
7 able to go there and verify whether it not it
8 did occur. But Mr. Scahill was tagged in the
9 post as other people.

10 MEMBER ALBERTI: Mr. Scahill was?

11 INVESTIGATOR MATHIESON: He was
12 tagged in the post, so when you post
13 something, you can people people's names in.
14 Yes, so he was --

15 MEMBER ALBERTI: Meaning he would
16 have --

17 INVESTIGATOR MATHIESON: He would
18 have seen it, yes.

19 MEMBER ALBERTI: He would have
20 seen it.

21 INVESTIGATOR MATHIESON: From his
22 own personal account.

1 MEMBER ALBERTI: Okay.

2 INVESTIGATOR MATHIESON: Correct.

3 So that's just kind of a summary of our
4 dealings or my dealings with the establishment
5 in the year of 2012.

6 CHAIRPERSON MILLER: Did you want
7 to add anything, Mr. Ghenene?

8 INVESTIGATOR GHENENE:

9 Investigator Mathieson covered very well a lot
10 of things that I would have said. And I just
11 wanted to try to say that in general, when I
12 have gone there, I think every time I have
13 been there with the exception of one, Mr.
14 Scahill has been there at the door.

15 Also when we are checking IDs,
16 generally the place clears out within 20 or 30
17 minutes, because the majority of the people in
18 there are under 21 and they are aware of what
19 is going on.

20 And I remember on just about every
21 occasion I have been there, I have either left
22 ID books or whatever it is and like Ms.

1 Scahill said earlier, before we go in to check
2 IDs there or anywhere, we typically wait
3 outside for a while to kind of see what is
4 going on. And every single time that we have
5 checked IDs there, we have never seen anyone
6 use an ID checking guide.

7 So that's a conversation I have
8 had with him frequently and he is also always
9 kind of talks about well, they must have had
10 some form of fake ID. They knew you guys were
11 here, so they ditched them, they have thrown
12 them away or whatever it is.

13 So it seems like he kind of feels
14 comfortable with the fact that if someone has
15 a fake ID, then it's okay for them to come in,
16 that's my backstop or whatever it is.

17 INVESTIGATOR MATHIESON: And to
18 further that, a lot of the students we would
19 speak with, because I mean in all these times
20 we have had over 30 students that we have
21 dealt with and spoke with, and they have all
22 said repeatedly that that was a place you know

1 you could just show up with any ID and you
2 could get in.

3 So it was the known place to go
4 with a fake ID and even if you didn't have an
5 ID, you would be able to get alcohol once you
6 were inside.

7 INVESTIGATOR GHENENE: And one
8 last thing is I'm pretty certain that
9 Detective Carter and his team have made
10 arrests at My Brother's Place on several
11 occasions.

12 CHAIRPERSON MILLER: Okay. Yes,
13 Mr. Silverstein?

14 MEMBER SILVERSTEIN: Thank you,
15 Investigator Ghenene. You said that you have
16 gone there many times. You recall all the
17 times that you have been there, but you never
18 saw them check ID? Exactly what did you --

19 INVESTIGATOR GHENENE: I have --
20 oh, I'm sorry.

21 MEMBER SILVERSTEIN: -- with
22 specificity.

1 INVESTIGATOR GHENENE: Yes, sir.

2 I have never seen them use the ID checking
3 guides that demonstrate the different security
4 features of the different IDs for different
5 states. I have seen him use flashlights to
6 check for birth dates or whatever else he is
7 reading.

8 MEMBER SILVERSTEIN: Him meaning?

9 INVESTIGATOR GHENENE: Mr.
10 Scahill. I apologize. But I have never seen
11 the ID checking guides, never.

12 INVESTIGATOR MATHIESON: And also
13 additionally, through the DC Double Check
14 Program, we have a great relationship with
15 Catholic University and they are very
16 concerned with Mr. Scahill's affiliation with
17 the establishment.

18 From the previous My Brother's
19 Place, obviously, they had a lot of concerns
20 about My Brother's Place, but they are still
21 concerned about the affiliation going forward.
22 Apparently, they were attempting to protest

1 the license, but there was some sort of --
2 they are not qualified or they couldn't get
3 it.

4 So if asked to come, they would
5 gladly come as well to a hearing.

6 CHAIRPERSON MILLER: I just want
7 to follow-up on that. So you were at meetings
8 with Mr. Scahill and Catholic?

9 INVESTIGATOR MATHIESON: Yes, it
10 was one meeting.

11 CHAIRPERSON MILLER: Just one
12 meeting?

13 INVESTIGATOR MATHIESON: Just one.

14 CHAIRPERSON MILLER: Okay. I
15 mean, how would you characterize his
16 participation? Was he trying -- do you think
17 he was trying to work out the problems or what
18 do you think he was -- you know, did you have
19 any characterization?

20 INVESTIGATOR MATHIESON: Yes, he
21 seemed cooperative, very cooperative at the
22 meeting. And the solution at the meeting was

1 that there were going to be no more 18 and
2 over events. But then about a month later we
3 got an email from him saying that because they
4 got the security training and so forth, they
5 decided that -- I think it said "we decided"
6 it would be okay to do under 21s on limited
7 occasions.

8 But then the two times that we
9 went back in October and December, they were
10 both under 21 events.

11 CHAIRPERSON MILLER: Okay. Would
12 you like --

13 MEMBER ALBERTI: Well, I don't
14 know if we are going to continue with Board
15 questions or do you want Mr. Kline to ask
16 questions?

17 CHAIRPERSON MILLER: Well, I think
18 he should have an opportunity to ask
19 questions, too.

20 MEMBER ALBERTI: Okay. I'll
21 reserve my questions until later.

22 CHAIRPERSON MILLER: Okay.

1 MR. KLINE: I mean, I would just
2 like to make a statement.

3 CHAIRPERSON MILLER: Respond.

4 MR. KLINE: And respond. And it's
5 all process. I mean, I respect the Board's
6 right to inquire and, you know, let me be
7 perfectly clear about this. But when we
8 learned of this Fact-Finding, I inquired of
9 the Board's General Counsel, the Director and
10 even spoke to the Investigators before this
11 hearing and you know what they told me? Well,
12 it's privileged, that's what Ms. Mathieson
13 told me.

14 INVESTIGATOR MATHIESON: That
15 wasn't said.

16 MR. KLINE: She couldn't -- that
17 is exactly what you said.

18 INVESTIGATOR MATHIESON: I never
19 said privileged.

20 MR. KLINE: And that they could
21 not recount to me what was going to be
22 presented to the Board. I mean, this ambush

1 tactic and it's clear to me that the
2 Investigators have an agenda. We have a
3 gentleman here who is the majority owner and
4 I'll examine him in a minute, because I want
5 the Board to be comfortable and the Board
6 should be comfortable with this license
7 application, which is not for My Brother's
8 Place.

9 It's for a new business. It has a
10 new menu. It's a new concept. There is a new
11 marketing plan that you have and we have spent
12 I don't know how long talking about an old
13 business. I understand the Board's concerns.

14 My objection first of all is
15 applicants are entitled to notice to what is
16 going to go on here. They are not supposed to
17 walk in here and be ambushed with three
18 reports, one of which I was given at the start
19 of the hearing, and the other two I haven't
20 even been given yet.

21 I mean, from a process standpoint,
22 I'm sorry with all due respect, this stinks.

1 I mean, this is not fair.

2 CHAIRPERSON MILLER: Okay. Let me
3 just say this for the record. Okay. We only
4 have that one report as well. We, the Board,
5 does not have those other two reports. It's
6 not a Show Cause Hearing. But I understand
7 that we should have had everything, okay, that
8 whatever was going to be held against your
9 client, you should have had. I agree. So we
10 don't need to do too much more about that.

11 If there is a need to respond
12 after the hearing in writing, you are welcome
13 to do that and I recognize the process should
14 have been better.

15 Again, sometimes these factual
16 hearings are a little bit vague and it's not
17 just about that, that's one aspect. We want
18 him to address it and clear it up or whatever.
19 I understand it's about a new place, too. We
20 want to hear all those things.

21 MR. KLINE: Right. Mr. Melles, we
22 haven't heard much from you. You are the

1 managing member of this business, correct?

2 MR. MELLES: Correct.

3 MR. KLINE: All right. Will you
4 tell the Board what your responsibility is for
5 this business? First of all, what has been
6 your experience in the business? Do you have
7 experience in the restaurant business?

8 MR. MELLES: Yes, I do. I was --
9 I mean, let me just say this. I do understand
10 the history of the place, but I know Mr.
11 Scahill when I have him to do my marketing
12 development plan with Ruth's Chris and Crystal
13 Parking. I have more than 180 employees. I
14 run more than \$6 million business. I would
15 not risk my \$300,000 plus coming if I'm going
16 to go back to the business that has been
17 discussed.

18 And I understand you have to be a
19 process, but the only reason I gave Mr.
20 Scahill 49 percent is I want him to get
21 involved with more and that is not a hidden
22 agenda.

1 At the same time, we are here to
2 do a living. I have two kids, a third one on
3 the way. I would not jeopardize anything that
4 will make myself bad or the community that I
5 would be serving anything bad.

6 I have been in business since
7 1998. And every shortcut that you make, it
8 will come back to haunt you and I know that.
9 I do valet parking business for the high-end
10 clients in town, something from all Ruth's
11 Chris House I have four Marriott Hotels, all
12 Passion Food Hospitality Group, all Chef
13 Geoff's, so I know how -- I see how successful
14 business runs.

15 I would not put business in that
16 position. And I have no answer to answer for
17 the previous owners or the previous
18 involvement, but in my words, this will not
19 happen.

20 CHAIRPERSON MILLER: Let me ask
21 you this. Mr. Scahill, I apologize if you
22 feel ambushed. I don't want you to feel that

1 way, but I think this just needs to be aired
2 and --

3 MR. SCAHILL: Certainly. I
4 understand.

5 CHAIRPERSON MILLER: Okay.

6 MR. SCAHILL: And I understand
7 that as well.

8 CHAIRPERSON MILLER: And you can
9 respond as best you can now or if you need to
10 do it afterwards, again as I said you could.

11 So let me just ask you why do you
12 want Mr. Scahill to be in charge of the
13 operations or be involved? Do you have
14 concerns about what happened at My Brother's
15 Place?

16 MR. MELLES: I do. And working
17 with Mr. Scahill, he is a very hard-working
18 guy. He is very smart. And he is very
19 charismatic. And I know by making him
20 involved in that, he just need guidance and
21 check and balance on the top of what our plan
22 is and what we are planning to do.

1 And I can't say anything about the
2 previous, but, as he said, he doesn't have any
3 decision making ability and at the same time
4 on my side, the buck stops on me. But the
5 reason why I get him involved with this is not
6 because of anything else, he was working with
7 me before all this happened.

8 My office is on 2231 Crystal Drive
9 in Crystal City. He was the manager at Babel
10 Italian Restaurant, that's how I know him
11 previously. So after that --

12 MEMBER SILVERSTEIN: I'm sorry,
13 sir? At where?

14 MR. MELLES: At Babel Restaurant.
15 It was in Crystal City in Arlington, that's
16 where I met him. I used to be a regular
17 client there. I met him there.

18 Then he quit or he stop coming to
19 work. He stop and he come to work with me,
20 that's how I know him and he is a very hard-
21 working guy, that's why I want him to get
22 involved.

1 CHAIRPERSON MILLER: Okay. Mr.
2 Scahill, let me just ask you why should we
3 believe that what happened at My Brother's
4 Place isn't going to happen at this new place?

5 MR. SCAHILL: Well, it's a very
6 different business concept we are introducing
7 here. It's a British/American pub. It's not
8 going to be -- have anything to do with any
9 under 21s. I personally didn't like it
10 either. I'm not sure whether -- what email
11 Ms. Mathieson was talking about. I have not
12 seen that and certainly didn't generate that
13 email, you know, whatsoever.

14 But if my name was used, I have no
15 idea. I was not there in any sort of
16 capacity. I know how to run this business
17 correctly. I know how to run it properly. I
18 know what it takes to be successful. And it
19 does not include any under 21s or under 21
20 parties to any of these different colleges.
21 I believe that's a deadend road. And it's not
22 the road forward we need to go or for any

1 restaurant. It's not a good business choice.

2 So any sort of problems that
3 occurred in the past there, will certainly not
4 be present in the present business plan we
5 have, in the business model we have. We have
6 put far too much time and effort and money
7 into this thing in order to risk it with
8 stupid underage parties, in my opinion.

9 CHAIRPERSON MILLER: Have you
10 reached out at all to Catholic University?

11 MR. SCAHILL: No, not whatsoever.
12 And it's been told no, not in any way, shape
13 or form. I don't have a personal Facebook
14 account, you know.

15 CHAIRPERSON MILLER: No, I don't
16 mean on Facebook. I mean that --

17 MR. SCAHILL: Well --

18 CHAIRPERSON MILLER: -- I'm
19 hearing that there may be some concerns that
20 they have that this new place is going to be
21 like My Brother's Place.

22 MR. SCAHILL: No. There will not

1 be anything to do with that. Well, it's
2 suicide. No, there is no way we would do that
3 or any college, you know. That's not the path
4 forward for this business.

5 CHAIRPERSON MILLER: Right. Have
6 they tried to contact --

7 MR. SCAHILL: No.

8 CHAIRPERSON MILLER: -- you to
9 talk about --

10 MR. SCAHILL: No one has contacted
11 me --

12 CHAIRPERSON MILLER: -- it?

13 MR. SCAHILL: -- from the
14 university.

15 CHAIRPERSON MILLER: They haven't?

16 MR. SCAHILL: They have not.

17 MR. KLINE: We are happy to meet
18 with them. I mean, I just don't think that
19 this business -- and if you look at the
20 business plan that you have in front of you,
21 there is one copy here that's --

22 CHAIRPERSON MILLER: Okay.

1 MR. KLINE: -- and this other, but
2 if you look at the business plan, there isn't
3 any reason to contact Catholic, because it
4 doesn't have anything to do with what was
5 there before. It's not the same business.

6 We are happy to do it if it will
7 make the Board comfortable, but, at this
8 point, in terms of the way the business is
9 formatted and what's intended to be done, we
10 don't -- we are not sure that it's terribly
11 relevant, but we are happy to do it.

12 I mean, I'm not aware that they
13 had concerns, but, you know, we are happy to--
14 Mr. Melles and I can meet with them and make
15 sure that they understand that if there is an
16 issue, they can contact him or they can
17 contact me.

18 CHAIRPERSON MILLER: Okay. Mr.
19 Alberti?

20 MEMBER ALBERTI: Well, I'll just
21 say that I have additional questions for the
22 Investigators, but I'll put those on hold for

1 now since we have turned to the applicant and
2 I'll ask Mr. Melles and maybe Mr. Scahill some
3 questions. And then, if I may, I could return
4 to the Investigators?

5 CHAIRPERSON MILLER: Yes.

6 MEMBER ALBERTI: Okay.

7 CHAIRPERSON MILLER: We should
8 probably watch our time a little bit then.

9 MEMBER ALBERTI: Okay. Mr.
10 Melles, where do I start? Mr. Scahill said
11 the concept is a British/American pub. Is
12 that correct?

13 MR. MELLES: Correct.

14 MEMBER ALBERTI: Okay. Who came
15 up with that concept?

16 MR. MELLES: I came up with that
17 concept.

18 MEMBER ALBERTI: And

19 MR. MELLES: That's what I have
20 here.

21 MEMBER ALBERTI: Pardon?

22 MR. MELLES: I came up with that

1 concept and that's -- I put two things
2 together. When I saw -- when I see Martin's
3 potential, I see his background, so that's why
4 I combine it together. We sit down and we
5 came up with the idea.

6 MEMBER ALBERTI: Okay, okay. His
7 background being what?

8 MR. MELLES: Being British.

9 MEMBER ALBERTI: Being British?

10 MR. MELLES: Yes.

11 MEMBER ALBERTI: Solely being
12 British, having experience in British pubs?

13 MR. MELLES: No.

14 MEMBER ALBERTI: I mean, what sort
15 of -- you know, I mean, where you were born
16 doesn't make you an expert in the culture.

17 MR. MELLES: It doesn't. Correct,
18 it doesn't. And I did not say that.

19 MEMBER ALBERTI: All right. So
20 can you give me more information about how you
21 came up with this and why you decided based on
22 his experience, why it would be a British/

1 American pub?

2 MR. MELLES: Well, I see an
3 opportunity that with his background in
4 British, I would have a British/American pub
5 and I don't see how I'm going to explain that.

6 MEMBER ALBERTI: Okay. Now, you
7 have worked with Mr. -- or he has worked for
8 you in the past, correct?

9 MR. MELLES: Correct.

10 MEMBER ALBERTI: In what other
11 businesses?

12 MR. MELLES: In Crystal Parking.

13 MEMBER ALBERTI: Pardon?

14 MR. MELLES: Parking.

15 MEMBER ALBERTI: In parking?

16 MR. MELLES: Yes.

17 MEMBER ALBERTI: Okay. Well, let
18 me ask, so other than parking and
19 transportation businesses, have you been
20 engaged in any food service businesses at all?

21 MR. MELLES: I was a server at
22 Ruth's Chris Steakhouse when I start my

1 journey.

2 MEMBER ALBERTI: Okay. Did you
3 have management responsibilities there?

4 MR. MELLES: Yes, I used to be a
5 key employee, which is I manage twice a week.

6 MEMBER ALBERTI: Pardon? You
7 managed twice a week?

8 MR. MELLES: Twice a week, yes.

9 MEMBER ALBERTI: The entire
10 restaurant?

11 MR. MELLES: Yes.

12 MEMBER ALBERTI: Okay. And for
13 how long did you do that?

14 MR. MELLES: About two years.

15 MEMBER ALBERTI: Okay.

16 MR. MELLES: Two or three years.

17 MEMBER ALBERTI: Okay. And when
18 was this?

19 MR. MELLES: 1998.

20 MEMBER ALBERTI: Since then have
21 you had any experience with food service?

22 MR. MELLES: Yes. I own a

1 restaurant in Arlington, Virginia.

2 MEMBER ALBERTI: Arlington. And
3 what restaurant is that?

4 MR. MELLES: Enjera Eritrean
5 Restaurant.

6 MEMBER ALBERTI: Okay.

7 MR. MELLES: I don't own it any
8 more, but I used to.

9 MEMBER ALBERTI: Pardon?

10 MR. MELLES: I don't own it any
11 more, but I used to own it.

12 MEMBER ALBERTI: Oh, you used to
13 own it?

14 MR. MELLES: Yes.

15 MEMBER ALBERTI: And from when to
16 when did you own it?

17 MR. MELLES: I opened it 2005, I
18 believe, and I sold it in 2009.

19 MEMBER ALBERTI: Thank you.
20 Describe to me a little bit more of what you
21 envision Mr. Scahill's role to be in this
22 proposed business.

1 MR. MELLES: He will be a day-to-
2 day manager. He will be the manager.

3 MEMBER ALBERTI: Day-to-day
4 manager?

5 MR. MELLES: Yes.

6 MEMBER ALBERTI: So okay and all
7 that entails managing staff, managing
8 promotion, managing ordering, managing
9 recordkeeping, is that correct?

10 MR. MELLES: No. I have Diane
11 Watson is my accountant. She will be managing
12 that.

13 MEMBER ALBERTI: Okay.

14 MR. MELLES: The books.

15 MEMBER ALBERTI: But all those
16 other things I mentioned, is that --

17 MR. MELLES: I'm sorry?

18 MEMBER ALBERTI: Okay. Go ahead.

19 MR. MELLES: I'm getting there.
20 And he will be managing the day-to-day
21 operation which is managing the employees,
22 managing the staff, the kitchen and the front

1 and I have a chef who will be managing the
2 back of the house.

3 MEMBER ALBERTI: Okay. So Mr.
4 Scahill --

5 MR. MELLES: Promotional, I have a
6 company that I work with that will do the
7 promotion.

8 MEMBER ALBERTI: I'm sorry to
9 interrupt there.

10 MR. MELLES: Sorry. My accent is
11 a little bit --

12 MEMBER ALBERTI: That's all right.
13 That's all right.

14 MR. MELLES: Sorry about that.

15 MEMBER ALBERTI: No problem.

16 MR. MELLES: You can ask me again.

17 MEMBER ALBERTI: Okay. So Mr.
18 Scahill will be involved -- will be
19 responsible for training the employees, the
20 servers, the barkeeps, the security staff, all
21 of that?

22 MR. MELLES: No. I will have a

1 company to handle that training at the
2 beginning, but as things go forward, I will
3 see we will work together and if Mr. Scahill
4 will handle it all by himself, he will do so.

5 MEMBER ALBERTI: And will he
6 handle the management of the hiring of those
7 personnel?

8 MR. MELLES: To this point, no,
9 but for future maybe.

10 MEMBER ALBERTI: Okay. Thank you,
11 Mr. Melles. I don't think I have any more
12 questions for you.

13 Mr. Scahill, there was some
14 mention of information on a social network.
15 Do you have any knowledge of that at all?

16 MR. SCAHILL: Actually, I don't
17 have a Facebook account, you know, for
18 business. The Alibi does have a Facebook page
19 and it is also registered on Twitter as well,
20 but the only reference that I could imagine
21 the person that used to handle the social
22 media has moved to Texas. So he was the one

1 that, I believe, is David Williams.

2 When I have looked on it
3 previously, he has actually said -- it's
4 global and I have actually looked at it and it
5 says I managed the -- say for instance, I
6 manage and operate this site. And I know that
7 he lives in the military. He is in the
8 military and he lives in Texas at the moment.

9 So no, I'm not aware of any of the
10 ongoing things on the social media thing.

11 MEMBER ALBERTI: Okay. So from
12 what I'm hearing, it's, this is speculation I
13 understand, unlikely that this Mr. Williams --

14 MR. SCAHILL: Correct.

15 MEMBER ALBERTI: -- would have put
16 out this advertisement. Am I correct in
17 supposing that?

18 MR. SCAHILL: It would sound very
19 ultimately a yes, correct.

20 MEMBER ALBERTI: Okay. So do you
21 have any -- do you have any idea who might
22 have?

1 MR. SCAHILL: Well, I --

2 (Simultaneous speaking.)

3 MEMBER ALBERTI: You --

4 MR. SCAHILL: -- haven't seen any
5 advertising. I have not seen any advertising.

6 MEMBER ALBERTI: Do you have any
7 idea who may have put this out on social
8 media?

9 MR. SCAHILL: Mr. Alberti, I
10 don't.

11 MEMBER ALBERTI: Mr. Melles?

12 MR. MELLES: Yes, no, you asked me
13 if we have any idea.

14 MEMBER ALBERTI: Do any of you?

15 MR. MELLES: I don't have any idea
16 and any My Brother's Place Facebook website
17 and anything, I don't have an access to --

18 MEMBER ALBERTI: The Alibi. We
19 had specific mention of Alibi.

20 MR. MELLES: Yes. No, I'm not
21 aware of that.

22 CHAIRPERSON MILLER: Mr. Scahill,

1 any idea who might have put that out there?

2 MR. SCAHILL: Who might have put
3 The Alibi on My Brother's Place website?

4 MEMBER ALBERTI: Just let's --

5 MR. SCAHILL: I'm sorry, I don't--

6 MEMBER ALBERTI: Just for clarity.
7 Investigator Mathieson, would you repeat the
8 discoveries that you made on information on
9 social network? And then we will come back to
10 my question.

11 INVESTIGATOR MATHIESON: Sure.
12 It's just very basic. On the My Brother's
13 Place website or Facebook page, I'm sorry,
14 which is listed as 237 2nd Street, N.W., same
15 phone number and everything, it says "On
16 October 1st the new name is going to be The
17 Alibi. It will reopen on December 1st." It
18 goes into detail about renovations and then a
19 post on January 5th that said there is a lot
20 more work than originally -- than I originally
21 thought. The new place is amazing, but a good
22 alibi takes time.

1 And then there is other postings
2 on that page from Martin Scahill that says
3 this is probably going to be the last posting
4 for me on this page. And then if you click on
5 Martin Scahill's name, it directs you to his
6 page where there is a posting that he is
7 tagged in that says October 26 is a pre-
8 opening of what is My Brother's Place and is
9 now The Alibi. The party is not open to the
10 public. It's to reintroduce old regulars to
11 the new and updated bar. The bar cannot and
12 will not have alcohol, so all guests must
13 bring your own.

14 MEMBER ALBERTI: All right. So I
15 want to clarify this.

16 INVESTIGATOR MATHIESON: Yes.

17 MEMBER ALBERTI: So you were on My
18 Brother's Place Facepage.

19 INVESTIGATOR MATHIESON: Yes.

20 MEMBER ALBERTI: Facebook page.

21 INVESTIGATOR MATHIESON: Correct.

22 MEMBER ALBERTI: And you clicked

1 on Mr. Scahill's link there?

2 INVESTIGATOR MATHIESON: I mean,
3 yes, Martin Scahill, correct.

4 MEMBER ALBERTI: I mean Martin
5 Scahill. And it took you to a Facebook page?

6 INVESTIGATOR MATHIESON: For
7 Martin Scahill.

8 MEMBER ALBERTI: For Martin
9 Scahill, okay. Do you want --

10 MR. SCAHILL: I do not have a
11 Facebook --

12 MEMBER ALBERTI: Mr. Scahill?

13 MR. SCAHILL: -- page. I never
14 have had one and I do not have one. There is
15 no pictures of me on it.

16 MEMBER ALBERTI: Yes, that's fine.

17 MR. SCAHILL: No friends, no
18 enemies. I do not have one.

19 MEMBER ALBERTI: Okay. Do you
20 have any -- can you speculate as to who --

21 MR. SCAHILL: I don't.

22 MEMBER ALBERTI: Wait. Let me

1 finish my question.

2 MR. SCAHILL: Sorry.

3 MEMBER ALBERTI: Could you
4 speculate as to who may have posted this
5 information on My Brother's Place Facebook
6 page?

7 MR. SCAHILL: No.

8 MEMBER ALBERTI: Okay. Thank you.
9 I have no further questions of the licensee.
10 I have questions of the Investigators, but I'm
11 not sure if I should go there yet. You tell
12 me.

13 CHAIRPERSON MILLER: Well, I don't
14 know what yet means, because we are really
15 behind schedule now, so how much? This is the
16 time to finish with questions I would say.

17 MEMBER ALBERTI: Well, I don't
18 know. I don't know how long it's going to
19 take, but, to me, it's very important.

20 CHAIRPERSON MILLER: Can you --

21 MEMBER ALBERTI: I mean, I cannot
22 -- unless I get all the information I need, I

1 cannot make a decision and we will have to --
2 I mean, we would have to go forward with
3 another hearing. In my opinion, because I
4 don't have all the information, so I can't
5 really tell you how long it's going to take.
6 But may I proceed?

7 CHAIRPERSON MILLER: Can you just
8 give an idea, you want to ask the
9 Investigators some questions?

10 MEMBER ALBERTI: Yes, I do.

11 CHAIRPERSON MILLER: And then you
12 want to come back to the --

13 MEMBER ALBERTI: Well, I -- let's
14 -- I'm going to ask the Investigators some
15 questions, if I may.

16 Investigator -- I'll direct these
17 to Investigator Mathieson --

18 INVESTIGATOR MATHIESON: Sure.

19 MEMBER ALBERTI: -- but Mr.
20 Ghenene, Investigator Ghenene, if you want to
21 interject information, please, feel free to.

22 And I'm going to stretch your

1 memory here. We are going to go back to
2 October 26, 2012. All right. Where you talk
3 about having discovered several individuals
4 with fake IDs, okay?

5 INVESTIGATOR MATHIESON: Yes.

6 MEMBER ALBERTI: A real basic
7 question.

8 INVESTIGATOR MATHIESON: Sure.

9 MEMBER ALBERTI: When did you
10 determine that they were -- and then let me
11 clarify this question. When did you determine
12 that they were fake IDs? Did you determine
13 that they were fake IDs sort of immediately
14 there or did you have to bring them back to
15 your offices for examination or take them
16 outside of the establishment for examination?
17 When did you determine that?

18 INVESTIGATOR MATHIESON: No. We
19 were able to determine on the spot that they
20 were fake. If I recall correctly, there were
21 a number of them that were very poor quality.
22 I think you could have them in evidence, so

1 you need to bring them out, but, yes, we were
2 able to --

3 MEMBER ALBERTI: What would you
4 describe as poor quality?

5 INVESTIGATOR MATHIESON: They --
6 if I recall, I can't say specifically which
7 ones, but they would be noted in here. But
8 poor quality would mean they didn't have a
9 hologram, obviously to the naked eye would
10 make it fake. And that's poor quality.

11 In a number of -- if I can just
12 say in general, when we were there, it was
13 easy to identify. We didn't have any trouble
14 saying that that person is under 21, grabbing
15 them, asking for ID, asking one or two
16 questions and sometime we didn't even have to
17 ask any questions.

18 MEMBER ALBERTI: Now --

19 INVESTIGATOR MATHIESON: Sorry, go
20 ahead.

21 MEMBER ALBERTI: -- granted you
22 have a lot of experience with this though,

1 right?

2 INVESTIGATOR MATHIESON: Yes.

3 MEMBER ALBERTI: But you also have
4 experience with the industry and people who do
5 ID checking in general. All right. I'm going
6 to ask your opinion. Do you think that the
7 flaws in these IDs were basic enough that any
8 experienced ID checker would be able to
9 recognize them?

10 INVESTIGATOR MATHIESON: Do I
11 believe? Yes.

12 INVESTIGATOR GHENENE: Mr.
13 Alberti, I was going to say that, and Erin can
14 comment on it, too, but it's the flaws coupled
15 with who has them, so that should it be --
16 it's not very -- it wouldn't be much of a
17 challenge to look at the ID, see that it is
18 weak, but also look at the person who has it
19 and see that they look extremely young.

20 MEMBER ALBERTI: Thank you very
21 much, Investigator. I have no further
22 questions.

1 CHAIRPERSON MILLER: Oh, yes, Mr.
2 Jones?

3 MEMBER JONES: Thank you, Madam
4 Chair.

5 CHAIRPERSON MILLER: Yes.

6 MEMBER JONES: This is a question
7 for -- I'm going to butcher the name, so I
8 apologize, but Abraham Melles.

9 MR. MELLES: Yes, sir.

10 MEMBER JONES: All right. So you
11 indicated a lot of things that Scahill would
12 not be doing in terms of the nature of your
13 relationship with him, in terms of the
14 operation of Alibi. What I didn't get clear
15 from you is to what specifically he would be
16 doing, because of all the things that you
17 mentioned, there seem to be very little left
18 for him to be doing in the day-to-day.

19 MR. MELLES: Yes. He would --

20 MEMBER JONES: He wouldn't be
21 responsible for hiring. All right. He's not
22 responsible for the kitchen. So what is he

1 doing? He's not the accountant. So he is not
2 going to be making paychecks.

3 MR. MELLES: Yes, he is.

4 MEMBER JONES: Right?

5 MR. MELLES: I mean, he will be
6 managing day-to-day.

7 MEMBER JONES: What does that
8 mean?

9 MR. MELLES: Making sure that
10 everybody is doing their job.

11 MEMBER JONES: So he will be there
12 physically every day?

13 MR. MELLES: He will be there
14 every day, yes.

15 MEMBER JONES: And he will be
16 there responsible for the people that you
17 hired and identified to work at your
18 establishment, he will be guiding them,
19 training them, giving them guidance, to meet
20 back on the day-to-day as to whether or not to
21 let somebody in or not let somebody in, to
22 allow someone to drink or not allow them to

1 drink? He is the one making those decisions?

2 MR. MELLES: He would be trained
3 and I will have a manual and a trained company
4 to train them at the beginning.

5 MEMBER JONES: Oh, I understand,
6 but that's not what I'm asking you.

7 MR. MELLES: Okay.

8 MEMBER JONES: What I'm asking you
9 specifically is he is the person that is going
10 to be making the decisions that is going to be
11 providing the guidance to the employees that
12 you hired as to whether or not to allow
13 someone in or not in.

14 MR. MELLES: No, he is not.

15 MEMBER JONES: Okay. So who is?

16 MR. MELLES: His name is
17 Hailemariam Negash. He is the 15 percent
18 owner of the -- he is my cousin, my first
19 cousin.

20 MEMBER JONES: He is your first
21 cousin?

22 MR. MELLES: Yes.

1 MEMBER JONES: Okay. So he is
2 doing those things?

3 MR. MELLES: Yes.

4 MEMBER JONES: So then I'm still
5 not clear as to what Mr. Scahill is doing.

6 MR. MELLES: Manager's duties, if
7 you would like to say.

8 MEMBER JONES: So I'm asking this
9 gentleman right here.

10 MR. MELLES: Yes, Mr Scahill.

11 MEMBER JONES: I want to know
12 specifically what he says you are going to be
13 doing, since he listed a lot of things that
14 you are not going to be doing.

15 MR. MELLES: You asked me
16 specifically is he the one who is going to let
17 people in or out and I said he is not going to
18 do that. Mr. Hailemariam Negash will do that.
19 He will be managing the day-to-day service,
20 meaning scheduling, ordering food, ordering
21 drinks and ventures that you have to do to
22 manage the place.

1 MEMBER JONES: Okay. Does -- Mr.
2 Negash?

3 MR. MELLES: Yes.

4 MEMBER JONES: Does he report to
5 Mr. Scahill --

6 MR. MELLES: No.

7 MEMBER JONES: -- in the day-to-
8 day operations?

9 MR. MELLES: No. All of them
10 report to me day-to-day. I'll get the report
11 every day.

12 MEMBER JONES: So understood. So
13 you are not going to be there day-to-day,
14 right?

15 MR. MELLES: I will be there
16 often, but I will not going to be there every
17 day.

18 MEMBER JONES: You are going to be
19 there often, but you're not going to be there
20 every day?

21 MR. MELLES: I'll get the report
22 every day though.

1 MEMBER JONES: You get a report
2 every day?

3 MR. MELLES: Yes.

4 MEMBER JONES: Understood. But
5 that's -- the report is something that is
6 recorded after the fact?

7 MR. MELLES: Yes.

8 MEMBER JONES: I want to know in
9 the moment, who is making the command
10 decision. It appears as if you are saying
11 that you have two masters.

12 MR. MELLES: Yes.

13 MEMBER JONES: You have Mr. Negash
14 and Mr. Scahill.

15 MR. MELLES: Yes.

16 MEMBER JONES: So where is the
17 bifurcation of their duties and
18 responsibilities? So you have two masters?

19 MR. MELLES: Yes.

20 MEMBER JONES: So there is no one
21 really in charge at your location, right, on
22 the day-to-day operations, because either one

1 of them could be doing things independent of
2 each other and not have to report to each
3 other as to what they are doing?

4 MR. MELLES: Yes.

5 MEMBER JONES: Okay. So I'm
6 concerned from that standpoint, based on your
7 confirmation of my understanding of how you
8 are operating the business.

9 MR. MELLES: I know.

10 MEMBER JONES: But I'm still not
11 clear as to what it really means, as what your
12 interpretation of that means in terms of what
13 Mr. Scahill can or can't do, because it
14 doesn't appear as if he has any real
15 authority. So what is he doing?

16 MR. MELLES: He will be managing
17 day-to-day.

18 MEMBER JONES: Which means what?

19 MR. MELLES: Operation. The
20 operation.

21 MEMBER JONES: So if someone comes
22 in late --

1 MR. MELLES: Okay.

2 MEMBER JONES: -- right? Can he
3 fire that person?

4 MR. MELLES: Yes, he can.

5 MEMBER JONES: He can?

6 MR. MELLES: Yes.

7 MEMBER JONES: But he just can't
8 hire anyone?

9 MR. MELLES: He can hire in
10 beginning, yes.

11 MEMBER JONES: But he wouldn't be
12 able to hire later on?

13 MR. MELLES: As I said, we will
14 review -- yes, he will be. He will be
15 involved with hiring and training people.

16 MEMBER JONES: Okay. So you
17 mentioned that you got involved with him
18 because of his background, because he is from
19 the UK.

20 MR. MELLES: No, I -- we are
21 probably going to pick that, but at the same
22 time it was his background, how hard-working

1 he is and the friendship that -- the business
2 friendship that I developed with him over the
3 last couple of years.

4 MEMBER JONES: So what about that
5 led you to give him 49 percent ownership or
6 interest, if you will, in this? See, I'm
7 struggling with that. I mean, I'll be
8 perfectly frank. You are saying that you put
9 in over \$300,000 into this and you are going
10 to put in more. How much has he put in?

11 MR. MELLES: He put in about
12 \$200,000.

13 MEMBER JONES: About \$200,000?

14 MR. MELLES: Yes.

15 MEMBER JONES: So why is his
16 \$200,000 worth 49 percent and your \$300,000 is
17 worth 36 percent?

18 MR. MELLES: He is more physically
19 working there more than I do.

20 MEMBER JONES: So he is not going
21 to take a salary?

22 MR. MELLES: He is not going to

1 take a salary.

2 MEMBER JONES: Okay. So he is
3 just working off of the profits from the
4 establishment?

5 MR. MELLES: Profits, yes.

6 MEMBER JONES: So that's the
7 nature of the arrangement?

8 MR. MELLES: Yes.

9 MEMBER JONES: Okay. So but he
10 has no control?

11 MR. MELLES: Yes.

12 MEMBER JONES: Absolutely none?

13 MR. MELLES: No.

14 MEMBER JONES: It all rests with
15 you?

16 MR. MELLES: I am managing member,
17 yes.

18 MEMBER JONES: No, I understand
19 that dynamic. But in terms of he has 49
20 percent interest in this. He put up \$200,000
21 and he is only going to get paid if the
22 establishment makes a profit.

1 MR. MELLES: Yes.

2 MEMBER JONES: Right?

3 MR. MELLES: Yes.

4 MEMBER JONES: So let me take you
5 down this path. If he is driven by the fact
6 that his establishment needs to make a profit
7 in order for him to get a return on his
8 \$200,000 that he has invested, then how is it
9 that he is not going to fall back into his old
10 habits as he related to My Brother's Place in
11 order to generate revenue?

12 MR. MELLES: I already invested
13 more than once.

14 MEMBER JONES: What safeguards do
15 you have in place to ensure that he is not
16 going to fall back into his old habits to get
17 a recoup of the \$200,000?

18 MR. MELLES: I will be on top of
19 the operation every day myself. I will see
20 the report then. If you are not making money,
21 we have to make sure.

22 MEMBER JONES: So the report that

1 you are getting, that is something that is
2 going to be drafted by whom?

3 MR. MELLES: By the accountant.

4 MEMBER JONES: By the accountant.
5 So that's just a financial report.

6 MR. MELLES: Yes.

7 MEMBER JONES: Right? That just
8 tells you okay, my ins and my outs, my
9 expenses, my revenue, etcetera, right? That's
10 not telling you how the place is being
11 operated, what shortcuts may have been taken
12 in order to bring in that revenue that you are
13 seeing in the report.

14 MR. MELLES: But your question was
15 if he is not making money, he is going to do--
16 he is going to go back to his old habits.

17 MEMBER JONES: No. My --

18 MR. MELLES: If I see the
19 financial --

20 MEMBER JONES: -- question was--

21 MR. MELLES: -- report --

22 MEMBER JONES: -- what safeguards

1 do you have in place to keep him from
2 reverting back to his old habits that were
3 manifested in My Brother's Place?

4 MR. MELLES: That's the safe-keep
5 that I have. I will see the report. If he is
6 not doing his -- if he is not making money,
7 that means he is not doing his job. So we
8 will sit down and talk about that.

9 MEMBER JONES: I see --

10 MR. MELLES: So your question
11 was --

12 MEMBER JONES: -- a challenge in
13 your rational.

14 MR. MELLES: No, no, no, no.

15 MEMBER JONES: Because all you are
16 seeing is a report that says he is making
17 money, but it's not detailing how he is making
18 the money, unless you are telling me something
19 about the report that I'm not familiar with.

20 MR. MELLES: What do you mean with
21 -- how is --

22 MEMBER JONES: How do you know he

1 is not making the money by selling to
2 underage?

3 MR. MELLES: No, I --

4 MEMBER JONES: How do you know
5 that?

6 MR. MELLES: He is not in charge
7 of letting people in at the beginning.
8 Second, I will --

9 MEMBER JONES: At the beginning.

10 MR. MELLES: -- have all present
11 in detail and how many liquors we sell, how
12 many food we sell, how many detailed sales
13 that we have. And I'm not trying to get a
14 drink to underage people or even for that
15 matter drink only. We are concentrating on
16 food and between 25 to 44 age group.

17 So you are asking me a question
18 that I can't answer you correctly, because if
19 I say that I can't control the financial, you
20 are going to come back and say that hey, this
21 is going to go back to his old habit.

22 But at the same time, I'm getting

1 a report every day. And I'm going to stop by
2 there. My wife is there. If I see the
3 cliental that we are not intending to capture,
4 of course, I'm going to stop it. And if we
5 are not making money, that means we are not
6 doing a good job and we're going to talk about
7 it. So I don't know how to answer your
8 question on that party.

9 MEMBER JONES: Okay. So --

10 MR. MELLES: If I see the report
11 every day, that means I know what's going on.

12 MEMBER JONES: -- if you get to
13 that point where you discover, based on
14 whatever safeguards you think you have --

15 MR. MELLES: Yes.

16 MEMBER JONES: -- he has 49
17 percent ownership.

18 MR. MELLES: Yes.

19 MEMBER JONES: How do you remove
20 him from the equation?

21 MR. MELLES: Well, that is a legal
22 issue, but I'm --

1 MEMBER JONES: How do you remove
2 him from the equation?

3 MR. MELLES: I would remove him.

4 MEMBER JONES: How?

5 MR. KLINE: What's the question?

6 MEMBER JONES: He has 49 percent
7 ownership.

8 MR. KLINE: Right.

9 MEMBER JONES: Right? Mr. Melles?

10 MR. MELLES: Yes.

11 MEMBER JONES: Through his review
12 of the reports, he said one of his safeguards
13 is the review of the reports, right? And if
14 he through his determination finds that Mr.
15 Scahill isn't meeting the measure as he has
16 defined it, whatever that is, then how would
17 he remove him from the equation of the
18 operation of Alibi as it stands right now?

19 MR. KLINE: He is the managing
20 member.

21 MEMBER JONES: How? How would he
22 remove him from that?

1 MR. KLINE: He can fire him from
2 running the place.

3 MEMBER JONES: But he has 49
4 percent ownership.

5 MR. KLINE: It doesn't matter.
6 That would mean he is an owner.

7 MEMBER JONES: He could fire him,
8 but he still has 49 percent ownership,
9 correct?

10 MR. KLINE: That's correct, but
11 that does not mean -- that means he has an
12 expectation and a possibility of sharing in
13 profits.

14 MEMBER JONES: Correct.

15 MR. KLINE: But it gives him no
16 right to participate in the operation of the
17 business.

18 MEMBER JONES: Okay. That's fine.

19 MR. KLINE: From a legal
20 standpoint. And, please, check with your
21 general counsel on that one.

22 MEMBER JONES: Oh, I don't need

1 to. I wanted to hear it from you.

2 MR. KLINE: Okay.

3 MEMBER JONES: Because I didn't
4 hear clearly that he had a mechanism for that.
5 He just said it was a legal issue, right? So
6 I didn't know that he knew that there was a
7 process for it.

8 MR. MELLES: No, I said I will
9 change. I would change him. So that means I
10 don't have --

11 MEMBER JONES: Change is an
12 amorphous term. I don't know what that means.

13 MR. MELLES: Okay. I'll fire him
14 them.

15 MEMBER JONES: Okay. Thank you.
16 Thank you, Madam Chair.

17 CHAIRPERSON MILLER: Okay. Any
18 other Board questions? Mr. Kline?

19 MR. KLINE: Mr. Melles?

20 MR. MELLES: Yes.

21 MR. KLINE: You have a valet
22 parking company, correct?

1 MR. MELLES: Yes.

2 MR. KLINE: How many locations do
3 you operate?

4 MR. MELLES: 62.

5 MR. KLINE: 62?

6 MR. MELLES: Yes.

7 MR. KLINE: Now, each of these
8 locations, they are essentially separate
9 businesses, correct?

10 MR. MELLES: Yes.

11 MR. KLINE: And you have managers
12 at each location?

13 MR. MELLES: Yes.

14 MR. KLINE: And each of those
15 managers has certain authority with respect to
16 operating those 62 -- each of those 62
17 business locations?

18 MR. MELLES: Correct.

19 MR. KLINE: All right. But
20 ultimately, who is responsible for those 62
21 locations?

22 MR. MELLES: Me.

1 MR. KLINE: And what do you do
2 when you have a problem?

3 MR. MELLES: I fire them, change
4 people or work with them to improve.

5 MR. KLINE: All right. So you
6 have a track record of running businesses
7 where you are not physically present, correct?

8 MR. MELLES: Absolutely. To give
9 you an example, I'm sitting here, but I was
10 working on my budget for 18 locations, so I
11 mean, it's goes -- it's all right. I worked
12 with -- I build it from scratch and I --
13 that's what I do. I manage it every day.

14 MR. KLINE: And have you also run
15 other businesses during the course of your
16 business career?

17 MR. MELLES: I have eight
18 properties that I manage and that's my
19 property.

20 MR. KLINE: Okay.

21 MEMBER SHORT: Of all those
22 businesses, how many of them sell alcohol?

1 All those businesses that you own, how many of
2 them sell alcohol?

3 MR. MELLES: Right now, none.

4 MEMBER SHORT: Oh, excuse me.

5 Okay. Thank you.

6 MR. MELLES: Right now, none, yes.

7 MR. KLINE: All right. But you
8 did, in fact, with your restaurant in
9 Virginia, you were licensed for the sale of
10 alcoholic beverages, correct?

11 MR. MELLES: Correct.

12 MR. KLINE: All right. And were
13 there any issues with your sale of alcoholic
14 beverages at your Virginia restaurant?

15 MR. MELLES: None.

16 MR. KLINE: Okay. So you have had
17 experience with having an ABC License,
18 correct?

19 MR. MELLES: Correct.

20 MR. KLINE: All right. And you
21 understand the responsibilities of operating
22 with an alcoholic beverage license?

1 MR. MELLES: I do.

2 MR. KLINE: All right. And you
3 understand that if there is an issue there,
4 that your investment is at risk?

5 MR. MELLES: Absolutely.

6 MR. KLINE: All right. And you
7 know if we have to come to one of these
8 hearings because there is a Show Cause, you,
9 as the managing member, are going to have to
10 be here, correct?

11 MR. MELLES: Absolutely.

12 MR. KLINE: Okay.

13 CHAIRPERSON MILLER: Other
14 questions? Got one? Okay. Mr. Rodriguez?

15 MR. KLINE: I have a question
16 actually to the Investigator in light of Mr.
17 Alberti's questions.

18 CHAIRPERSON MILLER: Do you want
19 to wait on him or do you want to go? Mr.
20 Rodriguez had a question.

21 MR. KLINE: Oh, I'm sorry.

22 CHAIRPERSON MILLER: I'm just

1 asking if he --

2 MR. KLINE: I apologize.

3 MEMBER RODRIGUEZ: Mr. Melles?

4 MR. MELLES: Yes?

5 MEMBER RODRIGUEZ: Please, my
6 question is about track record. Obviously,
7 you are an experienced business man. Your
8 experience includes many types of businesses
9 and personnel.

10 When you look at who you are going
11 to go into business with, I am sure you are
12 concerned about track records, right?

13 MR. MELLES: Yes.

14 MEMBER RODRIGUEZ: Would you not
15 go into -- you would not go into business in
16 a situation that would be negative for you,
17 would you?

18 MR. MELLES: No.

19 MEMBER RODRIGUEZ: Right. Now,
20 you know that this Board is very concerned
21 about serving minors.

22 MR. MELLES: Right.

1 MEMBER RODRIGUEZ: You can tell by
2 the questioning that has taken place that we
3 take it very seriously, sir.

4 MR. MELLES: Right.

5 MEMBER RODRIGUEZ: And it has been
6 a concern about Mr. Scahill's relationship
7 with the business that underwent very serious
8 violations where minors were served. So in
9 this situation, I know that, you know, it's
10 two separate businesses, but an individual
11 always has a track record. I know I do from
12 my previous job. All of us have a track
13 record.

14 And that's what we have been
15 looking at, at a track record. And a track
16 record that shows that there has been
17 violations in business that the gentleman was
18 involved with. That has been our concern.
19 And it continues to be a concern to us about
20 minors indulging in liquor.

21 And so tell me, how do you -- how
22 serious do you take this and how do you plan

1 to ensure that you are not here with that kind
2 of violation?

3 MR. MELLES: Thank you, Mr.
4 Alberti. I --

5 MR. KLINE: Rodriguez.

6 CHAIRPERSON MILLER: Rodriguez.

7 MR. MELLES: Mr. Rodriguez. I'm
8 sorry when I say --

9 MEMBER RODRIGUEZ: It's okay.

10 MR. MELLES: And I'm very, very
11 bad public speaker, so it's --

12 MEMBER RODRIGUEZ: You do fine,
13 sir.

14 MR. MELLES: -- I mix some things
15 up. So sorry about that. Even though I did
16 not know the problem was until this extent, I
17 did knew the problems that they had before,
18 but not into this extent. And you brought a
19 very, very good question, Mr. Rodriguez, that
20 with his track record, how could you have --
21 to get -- how would you be partner with him
22 with his personal track record?

1 I don't believe he had any say on
 2 what was going on on that place before. I
 3 don't believe that and at this time, I am the
 4 one who is going to make the final decision.
 5 And how I am protecting that minor sales is
 6 I'm not into that. I'm not -- I'm hiring a PR
 7 company that is not even getting involved with
 8 anybody in college area.

9 We are -- I'm targeting for talk
 10 to the community, the tourism community, the
 11 business community around the area and the
 12 location is prime. We have 8,000 employees at
 13 department. We have cocktail here. If we do
 14 our money in breakfast and lunch, we are very
 15 good to go for dinner and we could -- we have
 16 the ability to serve a very fine and great
 17 service for the after party -- the after --
 18 happy hour when people finish their office
 19 work.

20 That's how I'm planning to run
 21 this business.

22 MEMBER RODRIGUEZ: Thank you, sir.

1 MR. MELLES: All right.

2 MEMBER RODRIGUEZ: I appreciate
3 your commitment.

4 MR. MELLES: Thank you.

5 CHAIRPERSON MILLER: Mr. Kline,
6 did you have any other questions?

7 MR. KLINE: Yes, just quickly.

8 CHAIRPERSON MILLER: Okay.

9 MR. KLINE: Investigator, if you
10 know, from the October 26, 2012 report, was
11 there a Show Cause proceeding as a result of
12 that?

13 INVESTIGATOR MATHIESON: I don't
14 know specifically.

15 MR. KLINE: All right. Presumably
16 the Board's records reflect that and I'm
17 presuming that there was a suspension and a
18 fine as a result of that and that matter was
19 resolved and the licensee was appropriately
20 punished.

21 And it would seem that that case
22 is over. The case that you have before you

1 now is an application for a new business where
2 this gentleman is the managing member and he
3 and his cousin control the majority of the
4 interest in the business and that's what this
5 application is about.

6 And I would submit to you that the
7 previous charges have all been resolved. And
8 unless we -- and we know that the ABC Statute
9 contains a bar under certain circumstances
10 where one cannot apply and may not be granted
11 a license. But unless we are going to make up
12 the rules as we go along, I don't know what
13 legal authority there is to say well, no, you
14 can't participate because of the problems with
15 this other business.

16 And it's all with that that I find
17 just very troubling from a process standpoint.
18 You know, I'm a rule guy. You know, I like to
19 look at the rules and know what the rules are
20 and hope that my clients can have an
21 expectation as to what the rules are.

22 When this application was

1 submitted, we didn't have any reason to
2 believe that there was any sort of legal bar.
3 I certainly would not have represented this
4 gentleman, risk his money, if there was
5 something in the statute that prevented his
6 partner from being on a license.

7 So I want the Board to appreciate
8 that along with the very serious concerns I
9 know the Board has expressed and that we all
10 have about service to those underage.

11 So with that, I hope that we will
12 focus on this application. The reports are
13 there, but presumably they were resolved by
14 previous proceedings of the Board. Unless
15 there is a provision that disqualifies Mr.
16 Scahill, then I don't -- you know, I think
17 this hearing has been very valuable because
18 Mr. Melles tells you yeah, I knew there were
19 problems, but I didn't know that they were
20 this bad.

21 Now he does know. I mean, I think
22 that that will certainly cause him to pay more

1 attention to these particular issues. And I
2 hope the Board will move this forward, because
3 we don't want to be sitting out here without--
4 I mean, tell us no, tell us something.

5 CHAIRPERSON MILLER: I understand.

6 MR. KLINE: Please.

7 CHAIRPERSON MILLER: Yes. Okay.

8 MR. KLINE: Thank you.

9 CHAIRPERSON MILLER: Understood.

10 Thank you very much and thank you all for
11 coming down. And we will get back to you very
12 shortly.

13 MR. KLINE: So I'm going to press
14 and ask, in terms of what we might expect, in
15 terms of the next processes and a time line.
16 And I feel compelled to do this because the
17 last time I did this --

18 CHAIRPERSON MILLER: No, and --

19 MR. KLINE: -- I was told that --

20 CHAIRPERSON MILLER: -- I'm sorry
21 about the last time.

22 MR. KLINE: -- and that's October

1 and we don't have a decision. So where --

2 CHAIRPERSON MILLER: The next step
3 hopefully either today, depending on how late
4 we go or next week we will -- by next week for
5 sure it will be on the Board's Executive
6 Agenda and we will address it. So it's not
7 going to -- whatever. Okay.

8 MR. KLINE: Thank you.

9 CHAIRPERSON MILLER: All right.
10 Thank you very much.

11 MR. KLINE: Madam Chair, from the
12 scheduling standpoint, I'm due here at 1:00
13 for another matter, another Fact-Finding, but
14 I gather the Board has a long calendar. Any
15 predictions as to when --

16 CHAIRPERSON MILLER: You are due
17 at 1:30?

18 MR. KLINE: Oh, 1:30. I
19 apologize.

20 CHAIRPERSON MILLER: Okay. It may
21 get delayed. 1:30? Hold on.

22 MR. KLINE: If you think we may

1 get to it, I'll just be back, but I just
2 thought --

3 CHAIRPERSON MILLER: Yes.

4 MR. KLINE: -- I would ask.

5 CHAIRPERSON MILLER: Yes, we can
6 stick to that schedule.

7 MR. KLINE: Okay. All right.
8 Thank you.

9 CHAIRPERSON MILLER: We will see
10 you at 1:30 then.

11 MR. KLINE: I know the Board likes
12 to be punctual as we all do.

13 CHAIRPERSON MILLER: No, I just
14 heard another case that's being continued.

15 MR. KLINE: Thank you.

16 CHAIRPERSON MILLER: Okay. Thank
17 you.

18 (Whereupon, the Fact-Finding
19 Hearing in the above-entitled matter was
20 concluded at 12:17 p.m.)

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A				
\$200,000 99:12,13 99:16 100:20 101:8,17 \$300,000 43:14 65:15 99:9,16 \$6 65:14 a.m 2:2 ABC 5:21 8:6 14:17 18:4,15 37:2 111:17 118:8 ability 68:3 116:16 able 9:20 30:22 55:5,7 58:5 88:19 89:2 90:8 98:12 above-entitled 122:19 ABRA 1:21,22 3:6 3:8 9:10 18:14 20:2,2 35:13 43:1 50:3 ABRA's 9:6 Abraham 2:14,21 2:22 91:8 Absolutely 100:12 110:8 112:5,11 Abyie 1:22 3:7 accent 79:10 access 82:17 account 55:22 70:14 80:17 accountant 78:11 92:1 102:3,4 act 18:17 acted 18:1 20:1,3 active 20:5 actively 19:20 add 56:7 addition 6:19 additional 72:21 additionally 51:3 54:10 59:13 address 3:21 4:5 45:21 64:18 121:6 addressed 45:6 52:6,17	administrative 17:10 advantage 9:10 advertisement 81:16 advertisements 54:12 advertising 82:5,5 advise 51:12 advised 50:21 53:5 advisory 15:21 affidavit 13:3,4,8 13:16 affiliation 59:16,21 age 104:16 agenda 63:2 65:22 121:6 ago 30:12 agree 27:8,12 44:22 64:9 ahead 10:20 12:22 78:18 89:20 air 45:6 aired 67:1 Alberti 1:17 10:17 10:21 11:9,11,16 12:2,7,17,21 13:14 14:6,10,14 15:3,12,15,18 16:1,5,8,11,13,15 17:1,5,22 18:7,10 18:17,20 19:4,8 19:11,15,19 20:9 20:15,21 21:3,7 21:10,13,19 22:1 22:10,16,20 23:2 23:5,11,16,19,22 24:10,15,22 25:6 25:9,13 26:2,8,12 26:14,18,21 27:2 27:11 28:4,9 29:11,14,17,21 30:3,8 31:4 32:10 32:13,17 33:2,6 33:10,15,19 34:2 34:9,17 37:16,21	38:2,5,8,19 39:4 39:10,13,16,22 40:5 46:3,6 55:10 55:15,19 56:1 61:13,20 72:19,20 73:6,9,14,18,21 74:6,9,11,14,19 75:6,10,13,15,17 76:2,6,9,12,15,17 76:20 77:2,6,9,12 77:15,19 78:3,6 78:13,15,18 79:3 79:8,12,15,17 80:5,10 81:11,15 81:20 82:3,6,9,11 82:14,18 83:4,6 84:14,17,20,22 85:4,8,12,16,19 85:22 86:3,8,17 86:21 87:10,13,19 88:6,9 89:3,18,21 90:3,13,20 115:4 Alberti's 112:17 alcohol 53:1 55:3 58:5 84:12 110:22 111:2 alcoholic 1:2,11,12 54:6 111:10,13,22 alibi 1:6 2:5 8:8 54:13,14,20 80:18 82:18,19 83:3,17 83:22 84:9 91:14 106:18 allow 92:22,22 93:12 allowed 36:16,19 allowing 22:6 45:21 51:17 altercation 41:5 amazing 83:21 ambulance 41:6 ambush 62:22 ambushed 63:17 66:22 America 28:16 American 75:1	amorphous 108:12 ANC-6C 1:7 2:7 Andrew 2:12 answer 11:2 37:10 40:18 47:9,14 66:16,16 104:18 105:7 answered 16:19 anxious 48:21 anybody 10:15 41:22 44:7 116:8 apart 8:3 34:5 39:21 apologize 59:10 66:21 91:8 113:2 121:19 Apparently 59:22 appear 97:14 appeared 16:17 appears 96:10 applicant 2:12 5:10 43:21 73:1 applicants 46:15 63:15 application 1:9 3:11 5:5,12 43:13 44:5 45:7,16 47:6 47:8 63:7 118:1,5 118:22 119:12 apply 8:6 118:10 appreciate 44:17 117:2 119:7 approach 46:16 appropriately 117:19 approve 46:10 April 33:22 area 116:8,11 areas 24:1 28:15 Arias 22:14,19 50:3 50:9 52:7 Arlington 68:15 77:1,2 arm's 11:20 12:1 13:5,18 15:8 arrangement 100:7	arranging 21:6 arrested 42:1,2,5 42:13 arrests 58:10 asked 31:16,21 32:2,9 35:21 60:4 82:12 94:15 asking 26:14 37:1 45:19 48:11,13 89:15,15 93:6,8 94:8 104:17 113:1 aspect 30:1 64:17 aspects 29:19 assaults 40:15 assume 19:22 assurances 13:19 attempting 59:22 attention 36:2 120:1 Audit 27:17 authority 97:15 109:15 118:13 available 9:10 32:8 33:13 aware 7:6,7 22:22 56:18 72:12 81:9 82:21
				B
				Babel 68:9,14 back 24:1 31:5,10 32:11 52:20 61:9 65:16 66:8 79:2 83:9 87:12 88:1 88:14 92:20 101:9 101:16 102:16 103:2 104:20,21 120:11 122:1 background 7:20 74:3,7 75:3 98:18 98:22 backstop 57:16 bad 66:4,5 115:11 119:20 balance 67:21 bar 27:14 55:1,2

84:11,11 118:9 119:2 barkeeps 79:20 based 47:7 74:21 97:6 105:13 basic 83:12 88:6 90:7 basically 45:11 basis 10:11 22:7 28:1 51:18 bear 20:15 beginning 80:2 93:4 98:10 104:7 104:9 begun 5:2 behalf 2:12 believe 22:14 38:12 42:3,6 49:14 69:3 69:21 77:18 81:1 90:11 116:1,3 119:2 believer 9:9 best 67:9 better 13:13 22:5 26:13,16 27:3 31:1 45:1 51:15 64:14 beverage 1:2,11,12 111:22 beverages 54:7 111:10,14 bifurcation 96:17 big 27:9 birth 59:6 bit 6:21 64:16 73:8 77:20 79:11 blacklight 30:15 31:11 32:8 blacklights 30:14 33:7,16,17 blend 49:19 Board 1:2,12 3:10 3:11 5:8,9 7:1,20 8:12,13,21 11:19 13:12 18:5 43:9 44:18 46:1,10	47:16 49:5 61:14 62:22 63:5,5 64:4 65:4 72:7 108:18 113:20 119:7,9,14 120:2 121:14 122:11 Board's 5:4 43:8 44:3 46:22 47:10 47:14 62:5,9 63:13 117:16 121:5 book 34:6 books 28:13 56:22 78:14 Boots 47:4 born 74:15 break 15:3 breakfast 116:14 Brian 54:3 bring 55:4 84:13 88:14 89:1 102:12 British 74:8,9,12 74:12,22 75:4 British/American 69:7 73:11 75:4 Brooks 1:17 34:20 34:21 35:6,10,12 35:17 36:10,15,22 37:3,9,12,14 Brother's 3:19 4:1 4:6,17 8:2 13:21 15:6,19 16:9 17:7 21:16 23:7 43:21 43:22 45:3 50:2 50:14 51:10,11 52:1 54:11,19 58:10 59:18,20 63:7 67:14 69:3 70:21 82:16 83:3 83:12 84:8,18 86:5 101:10 103:3 brought 36:2 115:18 buck 68:4 budget 110:10 build 110:12	Building 1:12 business 5:12,13,14 5:18,21 6:2,6,13 6:15,22 7:5,8,9,15 7:18,19,22 8:9,15 8:18,21 9:2,3 11:7 11:9 14:18,19,20 15:1 19:16,17,21 20:12,13 26:1 32:18 43:14,16 44:1 63:9,13 65:1 65:5,6,7,14,16 66:6,9,14,15 69:6 69:16 70:1,4,5 71:4,19,20 72:2,5 72:8 77:22 80:18 97:8 99:1 107:17 109:17 110:16 113:7,11,15 114:7 114:17 116:11,21 118:1,4,15 businesses 75:11,19 75:20 109:9 110:6 110:15,22 111:1 113:8 114:10 butcher 91:7 buy 7:22 <hr/> C <hr/> calendar 2:5 121:14 call 5:5 41:11 46:12 49:22 called 3:12 5:15 40:15 41:1,5 calls 15:7 capacity 32:1 69:16 capture 105:3 card 29:3 career 110:16 Carter 58:9 case 42:22 117:21 117:22 122:14 Catherine 17:20 36:8 Catholic 17:13 18:3	20:4,18,19 21:2,3 36:8 50:11,12,13 52:1 59:15 60:8 70:10 72:3 caught 39:7 cause 64:6 112:8 117:11 119:22 certain 24:5 28:13 28:15,15,21 29:3 29:15 58:8 109:15 118:9 certainly 5:3 7:6,10 8:13 12:20 13:4,9 13:13 14:11 25:3 32:4 47:3 67:3 69:12 70:3 119:3 119:22 Chair 34:22 37:15 46:3 91:4 108:16 121:11 Chairman 43:6 Chairperson 1:13 1:16 2:3,16,19 3:3 3:9,16 4:9,12,18 8:16 9:13 10:6,8 10:12,14,19 34:20 37:18 38:1,4,7 40:8,11 42:17 44:10,13,16,20 45:15 46:4 47:21 49:2 56:6 58:12 60:6,11,14 61:11 61:17,22 62:3 64:2 66:20 67:5,8 69:1 70:9,15,18 71:5,8,12,15,22 72:18 73:5,7 82:22 86:13,20 87:7,11 91:1,5 108:17 112:13,18 112:22 115:6 117:5,8 120:5,7,9 120:18,20 121:2,9 121:16,20 122:3,5 122:9,13,16 challenge 90:17	103:12 chance 4:7 change 108:9,9,11 110:3 characterization 60:19 characterize 60:15 charge 22:13 24:19 25:14,16 67:12 96:21 104:6 charges 118:7 charismatic 67:19 Charles 13:20 check 9:7 16:16 23:3 29:1 35:14 57:1 58:18 59:6 59:13 67:21 107:20 checked 57:5 checker 90:8 checking 24:2 25:16 31:9 35:1 53:4 56:15 57:6 59:2,11 90:5 chef 66:12 79:1 Chemicals 20:14 China 36:20 choice 70:1 Chris 5:18 65:12 66:11 75:22 circumstances 118:9 City 68:9,15 clarify 9:14 84:15 88:11 clarity 43:7 83:6 classes 24:6 29:10 clear 15:9 48:14 62:7 63:1 64:18 91:14 94:5 97:11 clearly 108:4 clears 56:16 click 84:4 clicked 84:22 client 64:9 68:17 cliental 6:20 105:3
--	---	--	---	---

clients 14:11 66:10 118:20 cloud 45:20 cocktail 116:13 collected 36:6 collectively 17:15 college 71:3 116:8 colleges 69:20 color 38:16,18,22 colors 38:18 COLUMBIA 1:1 combine 74:4 come 17:15 21:21 22:18 31:22 32:2 32:4 39:19 40:2 57:15 60:4,5 66:8 68:19 83:9 87:12 104:20 112:7 comes 97:21 comfortable 22:6 51:17 57:14 63:5 63:6 72:7 coming 65:15 68:18 120:11 command 96:9 comment 90:14 Commission 27:17 commitment 117:3 committed 40:16 communicated 14:12 50:15 communications 18:2,13 20:2,4 community 66:4 116:10,10,11 company 5:15 6:10 24:9 40:3,4 79:6 80:1 93:3 108:22 116:7 compelled 120:16 competition 7:3 complaints 51:21 52:5,7 complete 25:22 completed 22:4 51:13,14	completely 5:13 6:14,18 7:18 8:8 27:20 completing 9:7 concentrating 104:15 concept 63:10 69:6 73:11,15,17 74:1 concern 5:4 14:3 25:17 47:5 114:6 114:18,19 concerned 43:12 59:16,21 97:6 113:12,20 concerns 8:14 17:16 21:15 28:21 44:3 45:4,8,9 46:14,14 59:19 63:13 67:14 70:19 72:13 119:8 concluded 122:20 conferred 4:22 confirmation 13:19 97:7 confiscated 53:10 connection 7:8 9:2 13:22 14:22 consult 17:13 consulted 24:4 consulting 24:8 consuming 52:22 contact 71:6 72:3 72:16,17 contacted 71:10 contains 118:9 Contested 46:12 continue 61:14 continued 122:14 continues 114:19 continuing 46:14 control 1:2,11,12 7:9,13,14 17:16 100:10 104:19 118:3 controlling 6:9 conversation 57:7	cooperative 60:21 60:21 copy 9:18 10:3 42:20 71:21 correct 3:15 16:14 19:10 21:2,5,18 22:17 24:14 25:5 32:12 37:8,8 56:2 65:1,2 73:12,13 74:17 75:8,9 78:9 81:14,16,19 84:21 85:3 107:9,10,14 108:22 109:9,18 110:7 111:10,11 111:18,19 112:10 correctly 69:17 88:20 104:18 counsel 44:15 62:9 107:21 couple 4:13 37:17 52:19 99:3 coupled 90:14 course 36:1 105:4 110:15 cousin 6:3,5 7:17 47:4 93:18,19,21 118:3 covered 56:9 CR 1:7 crimes 40:15 cross-examined 9:16 Crystal 5:15 65:12 68:8,9,15 75:12 culture 74:16	95:17,20,22 96:2 101:19 105:1,11 110:13 day-to 19:21 78:1 95:7 day-to-day 78:3,20 91:18 92:6,20 94:19 95:10,13 96:22 97:17 days 34:22 35:3 DC 59:13 deadend 69:21 deal 8:2 12:1 14:4 30:20 45:9 dealing 44:6 dealings 56:4,4 dealt 57:21 December 49:8 53:22 54:8 61:9 83:17 decided 61:5,5 74:21 decision 12:9,9 23:9 24:20 26:6 43:10 44:4 45:7 46:2,4 68:3 87:1 96:10 116:4 121:1 decisions 22:13 23:13 47:17 93:1 93:10 defined 47:8 106:16 delayed 121:21 demonstrate 13:5 59:3 demonstrates 7:3 department 116:13 depending 46:9 121:3 describe 17:6 77:20 89:4 detail 41:17,18 83:18 104:11 detailed 104:12 detailing 103:17 detect 34:3	detecting 30:17 detection 29:12,13 31:1 Detective 58:9 determination 106:14 determine 48:17,19 88:10,11,12,17,19 determined 37:6 developed 99:2 development 65:12 devices 34:3,4 Diane 78:10 different 6:18 8:9 28:17,20 31:1 33:1 38:14,18,22 59:3,4,4 69:6,20 diligence 48:3 dinner 116:15 direct 87:16 directed 22:14 directing 11:1 directly 8:4 Director 62:9 directs 84:5 disappointed 47:11 disclose 12:15 discover 12:13 105:13 discovered 88:3 discoveries 83:8 discuss 50:5,12,19 discussed 49:5 65:17 disqualifies 119:15 DISTRICT 1:1 ditched 57:11 doing 30:16 44:9 47:9 91:12,16,18 92:1,10 94:2,5,13 94:14 97:1,3,15 103:6,7 105:6 dollars 46:21 DONALD 1:17 door 17:11 25:16 31:8,17,19,19
---	---	---	--	--

36:11,13,14 52:12 53:3,7 56:14 Double 59:13 dozen 38:18 drafted 102:2 drink 92:22 93:1 104:14,15 drinking 17:17 21:15 24:2 35:14 45:4 drinks 38:21 49:18 94:21 Drive 68:8 driven 101:5 driving 28:17 due 14:15,20 48:2 63:22 121:12,16 duties 17:6 94:6 96:17 duty 41:14 dynamic 100:19	enemies 85:18 enforcement 26:16 27:3 engaged 75:20 Enjera 77:4 ensure 101:15 115:1 entails 78:7 entering 47:13 entire 76:9 entitled 63:15 entity 11:22 envision 77:21 equation 105:20 106:2,17 Erin 1:21 3:5 90:13 Eritrean 5:19 77:4 essentially 109:8 establishment 7:12 40:16 42:13 49:13 50:18 52:21 54:1 54:8 56:4 59:17 88:16 92:18 100:4 100:22 101:6 etcetera 102:9 Europe 20:14 29:6 evening 36:6 53:7 events 22:7 23:14 26:20 27:7 61:2 61:10 everybody 51:4 92:10 evidence 88:22 exactly 28:5,6 44:8 58:18 62:17 examination 88:15 88:16 examine 63:4 example 110:9 exception 56:13 excuse 111:4 Executive 121:5 exhibits 51:7 expanded 6:15 expect 6:20 120:14 expectation 107:12	118:21 expeditiously 48:20 expenses 102:9 experience 8:20 47:7 65:6,7 74:12 74:22 76:21 89:22 90:4 111:17 113:8 experienced 90:8 113:7 expert 74:16 explain 75:5 expressed 119:9 extent 12:12 115:16 115:18 extremely 90:19 eye 89:9	30:17 70:6 fasten 39:17 fastened 39:18 fault 37:4 features 59:4 February 49:8,11 51:8,20 feel 22:6 30:14 51:17 66:22,22 87:21 120:16 feels 29:3 57:13 fell 8:2 felt 26:11 final 116:4 financial 102:5,19 104:19 find 13:12 25:14 27:2 48:21 118:16 Finding 1:6 5:6 finds 106:14 fine 27:20 44:14 45:2 85:16 107:18 115:12 116:16 117:18 finish 25:6 86:1,16 116:18 fire 98:3 107:1,7 108:13 110:3 firm 9:8 first 5:11 6:2,5 11:1 49:11 51:2 63:14 65:5 93:18,20 fix 51:2 flashlight 34:7,7,10 flashlights 59:5 flaws 90:7,14 focus 119:12 follow-up 28:2 37:17 60:7 food 66:12 75:20 76:21 94:20 104:12,16 force 30:21 forget 40:3 41:15 form 57:10 70:13 formatted 72:9	former 13:20 15:5 17:7 forth 17:12 51:5 53:6 61:4 forward 13:16 44:5 45:10 46:20 48:9 48:19 59:21 69:22 71:4 80:2 87:2 120:2 found 26:6 27:18 27:19 28:1,18,20 36:3 43:4 four 66:11 framework 44:4 frank 99:8 fraudulent 37:6 free 9:9 87:21 frequently 57:8 Friday 31:7 35:4,6 35:8,13 friends 85:17 friendship 99:1,2 front 31:17,18,19 71:20 78:22 frustrating 26:7 full 20:11 full-time 10:11 28:1 fully 25:10,15 functioning 18:21 further 8:13 40:7 57:18 86:9 90:21 Furthermore 54:17 future 13:10 80:9
E		F		G
earlier 42:21 57:1 easier 27:2 easy 29:7 89:13 effort 70:6 eight 36:5 110:17 either 7:15 46:10 56:21 69:10 96:22 121:3 email 22:3,21 52:2 52:7,9,11,14,18 61:3 69:10,13 employ 33:16 34:3 41:10 employed 31:18 41:11,14,20 employee 17:2 76:5 employees 65:13 78:21 79:19 93:11 116:12 employing 31:11 33:7 employment 20:12 ends 30:16	enemies 85:18 enforcement 26:16 27:3 engaged 75:20 Enjera 77:4 ensure 101:15 115:1 entails 78:7 entering 47:13 entire 76:9 entitled 63:15 entity 11:22 envision 77:21 equation 105:20 106:2,17 Erin 1:21 3:5 90:13 Eritrean 5:19 77:4 essentially 109:8 establishment 7:12 40:16 42:13 49:13 50:18 52:21 54:1 54:8 56:4 59:17 88:16 92:18 100:4 100:22 101:6 etcetera 102:9 Europe 20:14 29:6 evening 36:6 53:7 events 22:7 23:14 26:20 27:7 61:2 61:10 everybody 51:4 92:10 evidence 88:22 exactly 28:5,6 44:8 58:18 62:17 examination 88:15 88:16 examine 63:4 example 110:9 exception 56:13 excuse 111:4 Executive 121:5 exhibits 51:7 expanded 6:15 expect 6:20 120:14 expectation 107:12	118:21 expeditiously 48:20 expenses 102:9 experience 8:20 47:7 65:6,7 74:12 74:22 76:21 89:22 90:4 111:17 113:8 experienced 90:8 113:7 expert 74:16 explain 75:5 expressed 119:9 extent 12:12 115:16 115:18 extremely 90:19 eye 89:9	30:17 70:6 fasten 39:17 fastened 39:18 fault 37:4 features 59:4 February 49:8,11 51:8,20 feel 22:6 30:14 51:17 66:22,22 87:21 120:16 feels 29:3 57:13 fell 8:2 felt 26:11 final 116:4 financial 102:5,19 104:19 find 13:12 25:14 27:2 48:21 118:16 Finding 1:6 5:6 finds 106:14 fine 27:20 44:14 45:2 85:16 107:18 115:12 116:16 117:18 finish 25:6 86:1,16 116:18 fire 98:3 107:1,7 108:13 110:3 firm 9:8 first 5:11 6:2,5 11:1 49:11 51:2 63:14 65:5 93:18,20 fix 51:2 flashlight 34:7,7,10 flashlights 59:5 flaws 90:7,14 focus 119:12 follow-up 28:2 37:17 60:7 food 66:12 75:20 76:21 94:20 104:12,16 force 30:21 forget 40:3 41:15 form 57:10 70:13 formatted 72:9	gather 3:12 121:14 general 22:11 31:3 39:7 56:11 62:9 89:12 90:5 107:21 generally 44:21 56:16 generate 69:12 101:11 generated 49:10 52:3

gentleman 43:13 47:1 63:3 94:9 114:17 118:2 119:4 gentleman's 47:18 Geoff's 66:13 getting 45:13,17,22 78:19 102:1 104:22 116:7 Ghenene 1:22 3:7,8 49:13 50:12 56:7 56:8 58:7,15,19 59:1,9 87:20,20 90:12 give 5:7 9:21 46:7 74:20 87:8 99:5 110:8 given 6:21 7:4 47:12 63:18,20 gives 107:15 giving 92:19 gladly 60:5 global 81:4 go 5:7 10:20 12:21 25:11 27:3,3 28:12,14 30:4 31:2 32:11 35:21 46:7 55:7 57:1 58:3 63:16 65:16 69:22 78:18 80:2 86:11 87:2 88:1 89:19 102:16 104:21 112:19 113:11,15,15 116:15 118:12 121:4 goes 52:15 83:18 110:11 going 7:22 34:18 37:19 48:5,11 50:20 51:1,3,12 56:19 57:4 59:21 61:1,14 62:21 63:16 64:8 65:15 69:4,8 70:20 75:5 83:16 84:3 86:18	87:5,14,22 88:1 90:5,13 91:7 92:2 93:9,10 94:12,14 94:16,17 95:13,16 95:18,19 98:21 99:9,20,22 100:21 101:9,16 102:2,15 102:16 104:20,21 105:1,4,6,11 112:9 113:10 116:2,4 118:11 120:13 121:7 good 2:11 17:5 70:1 83:21 105:6 115:19 116:15 gotten 6:14 8:7 grabbing 89:14 granted 89:21 118:10 great 59:14 116:16 green 38:16 group 1:5 24:6 66:12 104:16 guess 3:13 45:13 49:4 guests 55:3 84:12 guidance 67:20 92:19 93:11 guide 57:6 guides 59:3,11 guiding 92:18 guy 67:18 68:21 118:18 guys 57:10	handy 11:14 happen 26:4 66:19 69:4 happened 32:2 67:14 68:7 69:3 happy 12:13 13:7 29:10 47:9,14 71:17 72:6,11,13 116:18 hard 28:18 68:20 hard-working 67:17 98:22 haunt 66:8 hear 9:8 10:16 37:19 42:19 47:22 64:20 108:1,4 heard 43:9 64:22 122:14 hearing 1:7,12 2:4 3:12 5:2,6 9:19 47:13 60:5 62:11 63:19 64:6,12 70:19 81:12 87:3 119:17 122:19 hearings 43:18 64:16 112:8 HECTOR 1:19 held 64:8 help 17:9,11 18:16 31:16 32:4,9 34:12,15 helping 15:21 helps 34:11 HERMAN 1:18 hey 104:20 hidden 65:21 high-end 66:9 highly 53:17 hire 98:8,9,12 hired 92:17 93:12 hiring 80:6 91:21 98:15 116:6 history 13:8 42:12 65:10 hold 72:22 121:21 holder 5:20,21	hologram 89:9 holograms 29:4 34:12,16 hope 118:20 119:11 120:2 hopefully 121:3 Hospitality 1:5 66:12 Hotels 66:11 hour 116:18 hours 10:13 house 66:11 79:2 hundred 46:21 hypothetical 46:7 hypothetically 46:18	implemented 26:5 26:9 implore 47:15 important 28:9 48:2 86:19 impression 46:8 improve 21:21 110:4 incident 31:8 43:3 49:12,21 53:21,22 54:5 incidents 52:19 include 69:19 includes 113:8 including 4:1 independent 97:1 indicate 3:17 indicated 91:11 individual 43:22 114:10 individuals 88:3 indulging 114:20 industry 90:4 information 4:3 12:13 13:4,17 14:21 30:16 45:18 55:5 74:20 80:14 83:8 86:5,22 87:4 87:21 initially 52:6 inquire 8:13 62:6 inquired 4:19 62:8 inquiry 47:12 ins 102:8 inside 35:22 36:1 39:12 49:15 52:21 58:6 instance 29:2 41:4 43:17 81:5 instant 41:12 instigate 24:7 intend 48:20 intended 72:9 intending 105:3 intends 44:18 interactions 13:2
--	--	--	--	--

18:14	investor 17:2,3	101:22 102:4,7,17	knew 57:10 108:6	led 99:5
interest 6:6,10 7:17	involved 7:10 8:20	102:20,22 103:9	115:17 119:18	left 3:4 25:7,21
11:22 14:19 16:9	17:14 41:16,21	103:12,15,22	know 7:10,21 8:22	31:13,14 32:11
35:4 99:6 100:20	47:1 65:21 67:13	104:4,9 105:9,12	11:18 12:14 13:9	56:21 91:17
118:4	67:20 68:5,22	105:16,19 106:1,4	14:7,8,8,11,11,15	legal 105:21 107:19
interests 5:15	79:18 98:15,17	106:6,9,11,21	15:21 17:12 20:22	108:5 118:13
interject 87:21	114:18 116:7	107:3,7,14,18,22	21:21 24:6,13	119:2
interpretation	involvement 17:6	108:3,11,15	26:17 27:6,17,18	legally 30:22,22
97:12	23:6 26:1 32:15	journey 76:1	28:10,18 29:3,4,9	length 11:20 12:1
interrupt 26:22	45:3 66:18		30:12,17,18,19,21	13:6,18 15:9
79:9	issue 14:17 15:1	K	31:2,12,14 32:20	let's 32:10 45:8
interruption 16:18	72:16 105:22	keep 103:1	37:19 40:18 41:20	83:4 87:13
intoxicated 30:19	108:5 112:3	keeping 27:19	43:17 44:9 45:20	letter 22:15
30:20 53:17	issues 3:22 4:2,21	key 76:5	48:8,8 57:22	letting 104:7
introducing 69:6	7:7 45:2 50:5,14	kids 66:2	60:18 61:14 62:6	liability 6:10
introductions 2:9	50:19 111:13	kind 8:10 38:10	62:11 63:12 65:10	license 1:8 2:7 3:11
invested 43:14	120:1	43:18,19 49:4	66:8,13 67:19	5:22 8:6 17:7
46:21 101:8,12	Italian 68:10	53:19 56:3 57:3,9	68:10,20 69:13,16	18:2,16 46:11
investigation 4:5	Item 52:11	57:13 115:1	69:17,18 70:14	50:4 60:1 63:6
investigative 4:16	J	kitchen 6:15 78:22	71:3 72:13 74:15	111:17,22 118:11
10:3 49:9 54:2	Jackson 24:5 25:20	91:22	80:17 81:6 86:14	119:6
Investigator 1:21	28:12 30:5,6,10	Kline 2:11,12,21	86:18,18 94:11	licensed 111:9
1:22 3:5,6,7,8	33:20	3:1 4:8,11,13,19	96:8 97:9 103:22	licensee 9:6,12 18:8
49:3,12 50:11	JAMES 1:19	6:5 8:19 9:18	104:4 105:7,11	18:13 47:2 49:6
54:4 55:11,17,21	January 1:10 54:13	11:13,18 12:3,5	108:6,12 112:7	86:9 117:19
56:2,8,9 57:17	54:16 83:19	12:12,19 13:1,15	113:20 114:9,9,11	licensees 13:21
58:7,15,19 59:1,9	Jeff 25:20 28:11	14:2,9,14 15:4,11	115:16 117:10,14	15:5
59:12 60:9,13,20	Jennings 17:20	15:13 43:6 44:11	118:8,12,18,18,19	licenses 28:17
62:14,18 83:7,11	36:8	44:14,17 45:12	119:9,16,19,21	licensing 14:17
84:16,19,21 85:2	jeopardize 66:3	46:1,19 48:1,10	122:11	46:14
85:6 87:16,17,18	job 92:10 103:7	48:13 49:1 61:15	knowledge 33:18	light 3:22 38:16
87:20 88:5,8,18	105:6 114:12	62:1,4,16,20	80:15	112:16
89:5,19 90:2,10	joining 40:12	64:21 65:3 71:17	known 58:3	likes 122:11
90:12,21 112:16	Jones 1:18 40:12	72:1 106:5,8,19	L	limited 6:10 22:7
117:9,13	40:12 91:2,3,6,10	107:1,5,10,15,19	landlord 8:3,4 11:4	51:18 61:6
investigators 4:5	91:20 92:4,7,11	108:2,18,19,21	11:14,22 12:11	line 120:15
4:22 9:20 10:16	92:15 93:5,8,15	109:2,5,7,11,14	13:2 15:2	link 85:1
20:3,17 21:4,8	93:20 94:1,4,8,11	109:19 110:1,5,14	late 34:14 97:22	liquor 114:20
22:3 35:13 37:5	95:1,4,7,12,18	110:20 111:7,12	121:3	liquors 104:11
37:20 42:19 48:21	96:1,4,8,13,16,20	111:16,20 112:2,6	latest 54:12	list 52:15
62:10 63:2 72:22	97:5,10,18,21	112:12,15,21	layout 13:7	listed 50:3 52:11
73:4 86:10 87:9	98:2,5,7,11,16	113:2 115:5 117:5	learn 48:6	53:9 83:14 94:13
87:14	99:4,13,15,20	117:7,9,15 120:6	learned 62:8	listing 52:7
investment 15:22	100:2,6,9,12,14	120:8,13,19,22	lease 8:1,4,5 11:20	little 5:1 43:3,12
16:2,3 47:18	100:18 101:2,4,14	121:8,11,18,22	leave 41:9	64:16 73:8 77:20
112:4		122:4,7,11,15		79:11 91:17

live 31:20	96:9 101:20	83:11 84:16,19,21	2:21,22,22 5:13	14:10 15:3,12,15
lives 81:7,8	102:15 103:6,16	85:2,6 87:17,18	6:9,11 7:15,21	15:18 16:1,5,8,11
living 66:2	103:17 104:1	88:5,8,18 89:5,19	8:22 9:4 11:6,10	16:13,15 17:1,5
LLC 1:5 3:2 11:12	105:5	90:2,10 117:13	64:21 65:2,8	17:22 18:6,7,10
11:15 12:10	man 46:20 113:7	matter 1:4 104:15	67:16 68:14 72:14	18:17,20 19:4,8
LLCs 12:15	manage 14:20 76:5	107:5 117:18	73:2,10,13,16,19	19:11,15,19 20:9
located 2:6	81:6 94:22 110:13	121:13 122:19	73:22 74:8,10,13	20:15,21 21:3,7
location 96:21	110:18	mean 11:21 12:19	74:17 75:2,9,12	21:10,13,19 22:1
109:12 116:12	managed 49:17	13:3,6 14:8 15:11	75:14,16,21 76:4	22:10,16,20 23:2
locations 109:2,8	53:12 76:7 81:5	18:16 19:22 25:1	76:8,11,14,16,19	23:5,11,16,19,22
109:17,21 110:10	management 3:19	27:4 28:5,11 29:5	76:22 77:4,7,10	24:10,15,22 25:6
long 5:8 18:21 19:4	76:3 80:6	32:20 36:21 37:1	77:14,17 78:1,5	25:9,13 26:2,8,12
63:12 76:13 86:18	manager 11:8 68:9	41:9 43:8 44:8	78:10,14,17,19	26:14,18,21 27:2
87:5 121:14	78:2,2,4	46:8 47:4,5 57:19	79:5,10,14,16,22	27:11 28:4,9
longer 26:1 50:20	Manager's 94:6	60:15 62:1,5,22	80:8,11 82:11,12	29:11,14,17,21
54:3	managers 109:11	63:21 64:1 65:9	82:15,20 91:8,9	30:3,8 31:4 32:10
look 13:16 28:15	109:15	70:16,16 71:18	91:19 92:3,5,9,13	32:13,17 33:2,6
29:4 31:3 35:21	managing 3:1 5:14	72:12 74:14,15	93:2,7,14,16,22	33:10,15,19 34:2
71:19 72:2 90:17	6:1,11 7:16 11:7	85:2,4 86:21 87:2	94:3,6,10,15 95:3	34:9,17,21 35:6
90:18,19 113:10	44:2 65:1 78:7,7,8	89:8 92:5,8 99:7	95:6,9,15,21 96:3	35:10,12,17 36:10
118:19	78:8,11,20,21,22	103:20 107:6,11	96:7,12,15,19	36:15,22 37:3,9
looked 28:19 81:2,4	79:1 92:6 94:19	110:11 119:21	97:4,9,16,19 98:1	37:12,14,16,21
looking 13:19	97:16 100:16	120:4	98:4,6,9,13,20	38:2,5,8,19 39:4
114:15	106:19 112:9	meaning 26:18	99:11,14,18,22	39:10,13,16,22
lot 26:3 30:13	118:2	55:15 59:8 94:20	100:5,8,11,13,16	40:5,10,13,20
34:13 43:4,20	manifested 103:3	means 86:14 97:11	101:1,3,12,18	41:2,17,22 42:4,8
56:9 57:18 59:19	manual 93:3	97:12,18 103:7	102:3,6,14,18,21	42:11,16 43:10
83:19 89:22 91:11	manuals 25:21	105:5,11 107:11	103:4,10,14,20	44:2 46:3,6 48:1
94:13	March 20:17 33:22	108:9,12	104:3,6,10 105:10	48:12,16 55:10,15
Lounge 1:6 2:6	43:16 51:6	measure 22:5	105:15,18,21	55:19 56:1 58:14
lunch 116:14	marketing 7:2	106:15	106:3,9,10 108:8	58:21 59:8 61:13
<hr/>				
M	63:11 65:11	measures 24:20	108:13,19,20	61:20 65:1 68:12
Madam 34:22	Marriott 66:11	27:6 51:16	109:1,4,6,10,13	72:20 73:6,9,14
37:14 43:6 46:3	Martin 2:15,18	mechanism 45:13	109:18,22 110:3,8	73:18,21 74:6,9
91:3 108:16	51:11,19 52:4	45:16,22 108:4	110:17 111:3,6,11	74:11,14,19 75:6
121:11	84:2,5 85:3,4,7,8	media 80:22 81:10	111:15,19 112:1,5	75:10,13,15,17
major 21:17	Martin's 74:2	82:8	112:11 113:3,4,13	76:2,6,9,12,15,17
majority 6:6 7:17	masters 96:11,18	meet 50:12 71:17	113:18,22 114:4	76:20 77:2,6,9,12
44:1 56:17 63:3	material 39:14,14	72:14 92:19	115:3,7,10,14	77:15,19 78:3,6
118:3	39:15	meeting 1:3 20:16	117:1,4 119:18	78:13,15,18 79:3
maker 23:10	Mathieson 1:21 3:5	21:1,14 50:2,16	member 1:17,17,18	79:8,12,15,17
making 22:11,13	3:6 49:3 55:11,17	52:16 60:10,12,22	1:18,19,19 3:2	80:5,10 81:11,15
23:12 24:20 26:6	55:21 56:2,9	60:22 106:15	5:14 6:1,12 7:16	81:20 82:3,6,11
46:2 67:19 68:3	57:17 59:12 60:9	meetings 17:19	10:17,21 11:9,11	82:14,18 83:4,6
92:2,9 93:1,10	60:13,20 62:12,14	21:18 60:7	11:16 12:2,7,17	84:14,17,20,22
	62:18 69:11 83:7	Melles 1:5 2:14,14	12:21 13:14 14:6	85:4,8,12,16,19

85:22 86:3,8,17 86:21 87:10,13,19 88:6,9 89:3,18,21 90:3,20 91:3,6,10 91:20 92:4,7,11 92:15 93:5,8,15 93:20 94:1,4,8,11 95:1,4,7,12,18 96:1,4,8,13,16,20 97:5,10,18,21 98:2,5,7,11,16 99:4,13,15,20 100:2,6,9,12,14 100:16,18 101:2,4 101:14,22 102:4,7 102:17,20,22 103:9,12,15,22 104:4,9 105:9,12 105:16,19 106:1,4 106:6,9,11,20,21 107:3,7,14,18,22 108:3,11,15 110:21 111:4 112:9 113:3,5,14 113:19 114:1,5 115:9,12 116:22 117:2 118:2 members 11:17 12:10,10,16 20:18 memory 88:1 mention 13:15 80:14 82:19 mentioned 31:13 78:16 91:17 98:17 menu 8:11 63:10 menus 8:11 met 1:12 50:5,18 68:16,17 mid-October 22:2 MIKE 1:18 mile 31:20 military 81:7,8 Miller 1:13,16 2:3 2:16,19 3:3,9,16 4:9,12,18 8:16 9:13 10:6,8,12,14	10:19 34:20 37:18 38:1,4,7 40:8,11 42:17 44:10,13,16 44:20 45:15 46:4 47:21 49:2 56:6 58:12 60:6,11,14 61:11,17,22 62:3 64:2 66:20 67:5,8 69:1 70:9,15,18 71:5,8,12,15,22 72:18 73:5,7 82:22 86:13,20 87:7,11 91:1,5 108:17 112:13,18 112:22 115:6 117:5,8 120:5,7,9 120:18,20 121:2,9 121:16,20 122:3,5 122:9,13,16 million 65:14 minimal 32:22 minor 4:2 49:10 116:5 minors 113:21 114:8,20 minute 4:15 63:4 minutes 56:17 mix 115:14 model 70:5 Molloy 54:3 moment 16:17 20:16 81:8 96:9 money 16:7 70:6 101:20 102:15 103:6,17,18 104:1 105:5 116:14 119:4 month 33:5 61:2 morning 2:11 Mortimer 20:13 move 44:4 45:10,16 46:11,19 120:2 moved 80:22 myriad 28:22	N.W 1:13 2:6 83:14 naked 89:9 name 2:13,17,20 16:17 22:21 40:3 41:15 69:14 83:16 84:5 91:7 93:16 names 55:13 nature 91:12 100:7 need 32:20 64:10 64:11 67:9,20 69:22 86:22 89:1 107:22 needed 28:13 32:3 41:6 needs 67:1 101:6 Negash 6:7 93:17 94:18 95:2 96:13 negative 113:16 negotiated 8:4 11:19 Nelson 22:14,19 52:7 network 80:14 83:9 never 57:5 58:17 59:2,10,11 62:18 85:13 nevertheless 54:4 new 1:9 3:11 5:12 5:12,13 6:15 8:6 9:6,12 43:13 54:22 63:9,10,10 63:10 64:19 69:4 70:20 83:16,21 84:11 118:1 NICK 1:17 night 31:7 34:14 35:13,16 52:12,13 nights 35:9 nine 53:10 note 4:14 6:7 noted 89:7 notes 3:17 notice 13:11 45:1 63:15 noticed 35:20 36:20 number 5:19 50:14	51:21 53:8,11 83:15 88:21 89:11 NW 1:7 <hr/> O <hr/> oath 9:16 14:4 44:7 objection 63:14 observing 35:19 obvious 29:5 obviously 59:19 89:9 113:6 occasion 31:15 32:1 53:2,3 56:21 occasions 22:8 51:18 58:11 61:7 occur 40:21 55:8 occurred 35:17 49:19 50:8 55:6 70:3 October 19:13,17 31:5,6,10,12 33:10 38:9 43:1 52:3,20 53:2,20 54:15,17 61:9 83:16 84:7 88:2 117:10 120:22 odd 25:14 31:15 32:1 offered 32:3 office 68:8 116:18 offices 88:15 oh 18:9 45:16 58:20 77:12 91:1 93:5 107:22 111:4 112:21 121:18 okay 2:8,19 3:3,9 3:16 4:12 9:13 10:12,14 11:11 12:2,21 13:14 15:12 16:15,17 17:5 18:10,11,20 19:19 20:9 21:13 21:19 22:16 23:4 23:16,19 26:2,8 27:11 28:4 29:17 30:7,11 31:4,4	32:10 33:6,15 34:2,2,17 35:10 36:10 37:9,13,18 38:1,4,7,19 39:4 39:13,16,22 40:5 40:8,11 42:17,18 44:10,20 45:7 47:21 48:12 49:1 49:2,3 56:1 57:15 58:12 60:14 61:6 61:11,20,22 64:2 64:3,7 67:5 69:1 71:22 72:18 73:6 73:9,14 74:6,6 75:6,17 76:2,12 76:15,17 77:6 78:6,13,18 79:3 79:17 80:10 81:11 81:20 85:9,19 86:8 88:4 93:7,15 94:1 95:1 97:5 98:1,16 100:2,9 102:8 105:9 107:18 108:2,13 108:15,17 110:20 111:5,16 112:12 112:14 115:9 117:8 120:7 121:7 121:20 122:7,16 old 53:19 54:22 63:12 84:10 101:9 101:16 102:16 103:2 104:21 once 33:5,5 48:7 58:5 101:13 ones 31:2 36:20 89:7 ongoing 29:8 81:10 open 43:16 54:21 84:9 opened 77:17 opening 54:14,19 84:8 operate 81:6 109:3 operated 102:11 operates 14:18
--	---	---	---	--

operating 97:8 109:16 111:21 operation 78:21 91:14 97:19,20 101:19 106:18 107:16 operations 8:20 67:13 95:8 96:22 opinion 28:3 70:8 87:3 90:6 opportunity 61:18 75:3 order 39:12 70:7 101:7,11 102:12 ordering 78:8 94:20,20 Orientation 9:6,12 originally 7:21 83:20,20 outcome 46:10 outs 102:8 outside 57:3 88:16 overlap 38:6 overs 51:1 overview 5:7 7:2 8:10 owned 5:19 16:5 owner 3:2 6:8 11:5 13:20 15:6,22 16:2,4 19:9,9,12 25:17 44:1 50:1,4 63:3 93:18 107:6 owners 13:21 14:7 14:15 66:17 ownership 3:18 11:21 99:5 105:17 106:7 107:4,8 owns 7:17 9:4 14:18 15:1	85:5,13 86:6 paid 17:4 100:21 paper 40:2 Pardon 19:15 73:21 75:13 76:6 77:9 parking 5:16 9:3 65:13 66:9 75:12 75:14,15,18 108:22 part 19:9,12,20 23:12 25:17 26:5 part-time 40:18 participate 107:16 118:14 participation 60:16 particular 33:13 120:1 parties 69:20 70:8 partly 54:22 partner 115:21 119:6 party 54:20,21 55:6 84:9 105:8 116:17 passed 27:20 Passion 66:12 path 71:3 101:5 patron 41:8 patrons 30:19,20 35:22 43:4 53:16 pause 34:18 pay 119:22 paychecks 92:2 payroll 10:11 16:4 peels 39:20 people 23:17 28:1 30:18 31:18 36:2 36:13,14,16 37:7 49:15 52:21 54:5 55:9,13 56:17 90:4 92:16 94:17 98:15 104:7,14 110:4 116:18 people's 55:13 percent 3:2,17 6:8 16:10,13 65:20	93:17 99:5,16,17 100:20 105:17 106:6 107:4,8 perfectly 62:7 99:8 period 18:21 20:8 49:7 Periodically 16:22 person 31:17 80:21 89:14 90:18 93:9 98:3 personal 55:22 70:13 115:22 personally 53:7 69:9 personnel 18:14 80:7 113:9 phone 49:22 83:15 physical 6:17 8:1 34:4,5 physically 92:12 99:18 110:7 pick 98:21 pictures 85:15 piece 39:19 placarding 43:15 place 3:19 4:1,6,17 8:2 13:21 15:6,19 16:9 17:7 21:16 22:6 23:8 27:7 32:7 43:21,22 45:3 50:2,15 51:10,11,16 52:2 53:6 54:11,19 56:16 57:22 58:3 58:10 59:19,20 63:8 64:19 65:10 67:15 69:4,4 70:20,21 82:16 83:3,13,21 84:8 84:18 86:5 94:22 101:10,15 102:10 103:1,3 107:2 114:2 116:2 plan 63:11 65:12 67:21 70:4 71:20 72:2 114:22	planning 67:22 116:20 plant 6:17 8:1 please 47:3,16 55:2 87:21 107:20 113:5 120:6 plus 65:15 point 10:4 45:18 48:17,18 72:8 80:8 105:13 police 40:14,22 41:5,10,13 policeman 41:14,19 policies 23:7 26:10 27:12 32:6 policy 12:3 39:7 poor 88:21 89:4,8 89:10 portion 49:15 posit 46:6 position 46:22 66:16 possibility 107:12 post 54:18 55:9,12 55:12 83:19 posted 86:4 posting 84:3,6 postings 84:1 potential 74:3 PR 116:6 pre 54:18 84:7 predictions 121:15 preliminary 46:9 premises 8:7 39:9 prepared 13:13 present 1:15,20 6:8 7:11 70:4,4 104:10 110:7 presented 62:22 presiding 1:14 press 120:13 presumably 117:15 119:13 presume 4:16 presuming 117:17 pretty 20:5 58:8	prevented 119:5 previous 7:8 8:9 59:18 66:17,17 68:2 114:12 118:7 119:14 previously 3:20 6:17 9:1 31:13 68:11 81:3 prime 116:12 prior 9:19 privileged 62:12,19 probably 5:9 19:2 19:7 20:7 31:15 46:15 73:8 84:3 98:21 problem 12:5 51:2 79:15 110:2 115:16 problems 24:8 27:21 60:17 70:2 115:17 118:14 119:19 procedure 43:7 procedures 26:11 32:6 proceed 87:6 proceeded 8:6 proceeding 14:17 44:19 117:11 proceedings 13:11 119:14 process 23:10,12 24:21 25:4 26:6 43:15 44:6 47:8 47:16,19 48:14,15 48:17 62:5 63:21 64:13 65:19 108:7 118:17 processes 120:15 profit 100:22 101:6 profits 100:3,5 107:13 program 9:6,7 25:19,20 59:14 promotion 38:21 78:8 79:7
---	---	---	---	--

P

P-R-O-C-E-E-D-...

2:1

p.m 122:20**page** 54:10 80:18

83:13 84:2,4,6,20

Promotional 79:5	questions 5:9 9:17 10:15 37:17 40:7 40:9 47:10,14 61:15,16,19,21 72:21 73:3 80:12 86:9,10,16 87:9 87:15 89:16,17 90:22 108:18 112:14,17 117:6	recorded 96:6	96:1,5 97:2	106:11,13
pronounce 3:14	quickly 117:7	recordkeeping 27:14 78:9	101:20,22 102:5	right 2:10 4:8 5:5
properly 69:17	quit 68:18	records 27:19 113:12 117:16	102:13,21 103:5	10:15,21 14:4
properties 11:15 12:11 110:18	quite 6:21	recount 62:21	103:16,19 105:1	15:15,16 17:1
property 11:5,7 13:22 14:7,16 15:7 110:19		recoup 101:17	105:10 117:10	21:13 22:20 23:2
proposed 77:22		Reeves 1:12	reports 32:21 49:9 63:18 64:5 106:12	23:3 33:21 34:18
protecting 116:5		refer 43:10	106:13 119:12	40:6 43:8 62:6
protest 59:22		reference 80:20	represent 11:19 50:18	64:21 65:3 71:5
provide 12:14		referencing 52:1 54:13,18	representative 18:1 18:8,12,18 20:1,3	74:19 79:12,13
providing 93:11	R	referred 42:22	represented 119:3	84:14 88:2 90:1,5
provision 119:15	Rachel 51:7 52:4	reflect 117:16	requested 50:2	91:10,21 92:4
pub 69:7 73:11 75:1,4	raised 45:3	registered 80:19	required 12:15	94:9 95:14 96:21
public 54:21 84:10 115:11	rarely 33:4	regular 32:5 68:16	reserve 61:21	98:2 101:2 102:7
pubs 74:12	rational 103:13	regularly 36:7	resolved 45:10,13 45:22 117:19	102:9 106:8,9,13
punctual 122:12	reached 70:10	regulars 54:22 84:10	118:7 119:13	106:18 107:16
punished 117:20	reading 59:7	regulation 26:4	respect 5:4 8:14	108:5 109:19
put 2:4 11:2 13:3,4 14:3 16:7 27:5 51:16 66:15 70:6 72:22 74:1 81:15 82:7 83:1,2 99:8 99:10,10,11 100:20	ready 2:8 43:16	reintroduce 54:22 84:10	9:11 14:15,20 43:8 44:2 62:5 63:22 109:15	110:5,11 111:3,6 111:7,12,20 112:2 112:6 113:12,19 113:22 114:4 117:1,15 121:9 122:7
putting 45:19	real 14:16 88:6 97:14	related 101:10	respond 4:7 62:3,4 64:11 67:9	risk 27:9 47:18 65:15 70:7 112:4 119:4
Q	really 6:21 19:2 31:22 35:3 40:17 40:18 41:16 44:8 86:14 87:5 96:21 97:11	relates 4:17	responded 52:8	road 69:21,22
qualified 60:2	reason 21:18 39:1 45:5 50:8 65:19 68:5 72:3 119:1	relationship 21:22 59:14 91:13 114:6	response 52:5	Rodriguez 1:19
quality 88:21 89:4 89:8,10	recall 35:12 38:13 42:7,15 58:16 88:20 89:6	relevant 14:16 15:1 72:11	responsibilities 76:3 96:18 111:21	112:14,20 113:3,5 113:14,19 114:1,5 115:5,6,7,9,12,19 116:22 117:2
quarterly 32:21,21	receipts 27:14	remodeled 6:14 8:7	responsibility 65:4	role 8:17 15:21 20:5 23:17 77:21
question 4:10 10:18 11:1 15:7 16:20 18:12 23:6 28:22 33:7 37:11 40:19 42:11 45:14 83:10 86:1 88:7,11 91:6 102:14,20 103:10 104:17 105:8 106:5 112:15,20 113:6 115:19	receive 10:2,5	remove 105:19 106:1,3,17,22	responsible 79:19 91:21,22 92:16 109:20	roles 18:22
questioning 114:2	received 49:21 51:21	removed 39:9	restaurant 1:6 2:5 5:17,20 9:2 10:9 65:7 68:10,14 70:1 76:10 77:1,3 77:5 111:8,14	Room 1:12
	recognize 21:7 64:13 90:9	renovations 83:18	rests 100:14	rule 118:18
	recognizing 24:2	reopen 8:8 83:17	result 117:11,18	rules 118:12,19,19 118:21
	record 2:13 4:14 9:14 11:14 64:3 110:6 113:6 114:11,13,15,16 115:20,22	repeat 83:7	Retailer 1:7	run 65:14 69:16,17 110:14 116:20
		repeatedly 57:22	return 73:3 101:7	running 47:2 107:2 110:6
		report 4:16 5:1 9:19 10:3 22:2 31:6,7,8,9 32:22 42:20,21 47:12 50:21 51:8 52:3 53:9 54:2 64:4 95:4,10,10,21	revenue 101:11 102:9,12	runs 5:15 66:14
			reverting 103:2	Ruth's 5:18 65:12 66:10 75:22
			review 98:14	Ruthanne 1:13,16

S				
safe-keep 103:4	39:5,11,15,18	105:2,10 122:9	signed 51:9,19	sound 81:18
safeguards 101:14	40:1,13,17,22	seeing 102:13	Silverstein 1:18	space 8:5
102:22 105:14	41:3,18 42:2,6,10	103:16	18:6 48:1,12,16	speak 35:22 57:19
106:12	42:14 47:1 49:22	seen 55:18,20 57:5	58:13,14,21 59:8	speaker 115:11
salary 99:21 100:1	50:5,6,17,19 51:9	59:2,5,10 69:12	68:12	speaking 82:2
sale 4:1 49:10	51:10,19 52:4,8	82:4,5	simple 15:4	special 22:7 38:21
111:9,13	53:3 54:1,7 55:8	self-adhesive 39:19	simply 40:2	41:14,17,18 51:18
sales 104:12 116:5	55:10 56:14 57:1	sell 104:11,12	Simultaneous 82:2	specific 35:16
satisfying 5:8	59:10 60:8 65:11	110:22 111:2	single 57:4	82:19
Saturday 35:7,8	65:20 66:21 67:3	selling 104:1	sir 15:17 59:1	specifically 50:22
52:13	67:6,12,17 69:2,5	semester 51:22	68:13 91:9 114:3	89:6 91:15 93:9
Saturdays 35:5	70:11,17,22 71:7	sent 22:3	115:13 116:22	94:12,16 117:14
saw 58:18 74:2	71:10,13,16 73:2	separate 7:18 41:12	sit 74:4 103:8	specificity 58:22
saying 15:14 37:3	73:10 79:4,18	109:8 114:10	site 81:6	speculate 85:20
61:3 89:14 96:10	80:3,13,16 81:14	September 38:9	sits 43:19	86:4
99:8	81:18 82:1,4,9,22	52:9,14,18	sitting 21:10 110:9	speculation 81:12
says 4:16 38:15	83:2,5 84:2 85:3,5	serious 114:7,22	120:3	spent 63:11
39:1 52:12 55:2	85:7,9,10,12,13	119:8	situation 32:5 48:4	spoke 57:21 62:10
81:5 83:15 84:2,7	85:17,21 86:2,7	seriously 114:3	113:16 114:9	spot 88:19
94:12 103:16	91:11 94:5,10	serve 116:16	size 6:16	staff 20:2 22:5
Scahill 2:15,15,18	95:5 96:14 97:13	served 114:8	small 29:16	51:14,15 78:7,22
2:18 3:13,15 6:4	106:15 119:16	server 75:21	smart 67:18	79:20
7:7 8:19,22 9:5	Scahill's 8:17 59:16	servers 79:20	social 80:14,21	standard 38:11
10:2,5,7,10,13,18	77:21 84:5 85:1	service 75:20 76:21	81:10 82:7 83:9	standpoint 63:21
15:16,17,20 16:3	114:6	94:19 116:17	sold 77:18	97:6 107:20
16:7,10,12,14,21	scanners 28:19,20	119:10	Solely 74:11	118:17 121:12
17:3,9 18:4,9,15	schedule 86:15	serving 66:5 113:21	solution 60:22	stands 106:18
18:19 19:1,6,10	122:6	set 47:6	somebody 31:21	start 2:9,10 19:5,20
19:13,16 20:7,11	scheduled 4:21	setting 3:20 23:7	32:3,19 39:7	49:4 51:2,22
20:19 21:1,5,9,12	17:19 24:5	shape 70:12	92:21,21	63:18 73:10 75:22
21:17,20 22:9,12	schedules 21:6	share 3:17	somewhat 17:13	started 19:18 25:4
22:18,22 23:4,9	scheduling 94:20	sharing 107:12	sorry 2:16 9:17	25:19,19
23:15,18,21 24:4	121:12	shine 34:15	16:18,21 18:6	State 2:13
24:12,17 25:3,7	scratch 110:12	SHORT 1:19 40:10	26:21 27:1 37:11	stated 50:19 51:8
25:11,18 26:3,10	Second 11:15 12:11	40:13,20 41:2,17	42:20 44:16 58:20	statement 22:11
26:13,16,19 27:1	104:8	41:22 42:4,8,11	63:22 68:12 78:17	25:12 62:2
27:5,13 28:8,11	security 3:19 22:4	42:16 110:21	79:8,10,14 83:5	states 59:5
29:13,15,19 30:1	24:19 27:6 29:20	111:4	83:13 86:2 89:19	stating 22:3 54:20
30:6,11 31:12	39:12 51:4,13,15	shortcut 66:7	112:21 115:8,15	statute 118:8 119:5
32:12,16,19 33:4	53:5 59:3 61:4	shortcuts 102:11	120:20	Steakhouse 75:22
33:9,12,18,21	79:20	shortly 120:12	sort 7:1 17:6 19:20	stems 42:21
34:5,11,22 35:3,8	see 16:16 34:12,16	show 13:17 58:1	19:21 22:11 24:20	step 121:2
35:11,15,18 36:12	57:3 66:13 74:2,3	64:6 112:8 117:11	29:4,5 41:12 46:2	steps 17:14
36:18 37:2,5,10	75:2,5 80:3 90:17	showed 36:4	46:9 60:1 69:15	stick 39:20 122:6
37:13 38:8,11,20	90:19 99:6 101:19	shows 114:16	70:2 74:14 88:13	stinks 63:22
	102:18 103:5,9	side 34:13 68:4	119:2	stop 68:18,19 105:1

105:4	table 45:19	111:5 115:3	times 34:13 40:14	33:5 76:5,7,8
stops 68:4	tactic 63:1	116:22 117:4	57:19 58:16,17	Twitter 80:19
straightened 28:14	tagged 55:8,12 84:7	120:8,10,10 121:8	61:8	two 53:16 61:8
streamline 13:10	take 9:10 23:22	121:10 122:8,15	to-day 20:1	63:19 64:5 66:2
Street 1:7,13 2:6	29:10 39:6 46:13	122:16	today 6:8 121:3	74:1 76:14,16
11:15 12:11 83:14	86:19 87:5 88:15	thing 29:8 39:19	told 50:6 62:11,13	89:15 96:11,18
stretch 87:22	99:21 100:1 101:4	58:8 70:7 81:10	70:12 120:19	114:10
strictly 38:22	114:3,22	things 4:14 13:18	top 67:21 101:18	type 30:14
stringent 27:6,15	taken 9:5 53:6	26:4 28:13,22	total 49:14 52:21	types 38:14 113:8
struggling 99:7	102:11 114:2	29:3,5,15,16	53:10	typically 57:2
student 50:13	takes 69:18 83:22	30:15 31:3 34:15	touching 49:5	Tyvek 39:15
students 17:20 36:9	talk 43:20 71:9	52:15 56:10 64:20	tourism 116:10	
57:18,20	88:2 103:8 105:6	74:1 78:16 80:2	town 50:7,9 66:10	<hr/>
stupid 70:8	116:9	81:10 91:11,16	track 110:6 113:6	U
submit 12:8 118:6	talked 21:14	94:2,13 97:1	113:12 114:11,12	UK 98:19
submitted 119:1	talking 37:7 63:12	115:14	114:15,15 115:20	ultimately 81:19
subsequently 50:10	69:11	think 5:7 9:19,21	115:22	109:20
successful 66:13	talks 57:9	14:22 23:3 29:9	train 93:4	um-hum 2:19 4:18
69:18	targeting 116:9	31:21 34:18 42:18	trained 23:20 24:1	unable 53:18
suggests 52:16	tasks 17:10	45:18,19 46:8	24:11 25:10,15	underage 17:17
suicide 71:2	team 58:9	48:2,3,16,19	29:12,18 30:5	21:15 24:2 35:14
Suite 1:13	tear 39:21	49:17,18 53:9	51:4 93:2,3	38:15 39:8 43:4
summarize 13:1	tell 12:3 30:4 47:3	56:12 60:16,18	training 9:9 22:4	45:4 49:15 70:8
43:2	48:5 65:4 86:11	61:5,17 67:1	23:17 24:6,13,16	104:2,14 119:10
summary 7:2 9:21	87:5 114:1,21	71:18 80:11 88:22	24:18,18,19 25:1	understand 12:17
56:3	120:4,4	90:6 105:14	25:1,4,20,22 28:5	15:13 38:5 48:3
suppose 52:17	telling 29:12	119:16,21 121:22	28:6,6 29:22 30:9	48:10 63:13 64:6
supposed 63:16	102:10 103:18	third 66:2	30:21 33:20 51:14	64:19 65:9,18
supposing 81:17	tells 102:8 119:18	thought 6:22 7:3	53:5 61:4 79:19	67:4,6 72:15
sure 10:19,22 16:19	term 108:12	27:9 83:21 122:2	80:1 92:19 98:15	81:13 93:5 100:18
34:8 44:3 47:15	terms 6:13,19 7:4	thousand 46:21	transaction 11:21	111:21 112:3
69:10 72:10,15	43:10 47:2 72:8	three 31:18 36:13	13:6 15:9	120:5
83:11 86:11 87:18	91:12,13 97:12	36:14 38:13 49:9	transportation	understanding
88:8 92:9 101:21	100:19 120:14,15	54:5 63:17 76:16	5:16,16 9:3 75:19	44:18 45:2 97:7
113:11 121:5	terribly 14:16	throw 46:20	tried 71:6	understood 95:12
surprise 9:22	72:10	throwing 46:17	trouble 89:13	96:4 120:9
surprised 5:1	testifying 9:15	thrown 57:11	troubled 48:4	underwent 114:7
surveillance 22:5	testimony 46:13	time 19:2 20:8,12	troubling 118:17	Unfortunately
51:15	Texas 80:22 81:8	20:17 32:8 33:13	true 21:14	23:15 55:4
suspension 117:17	thank 3:9 12:2	36:5,11 56:12	trust 12:4	university 17:13
Swan 13:20 15:5	13:14 15:12,15	57:4 66:1 68:3	try 21:20 56:11	18:3 20:4,18,20
sworn 46:13	16:17 18:20 34:17	70:6 73:8 83:22	trying 17:14 45:17	21:2,4 36:8 50:11
synopsis 53:20	34:21 37:14 40:7	86:16 98:22	60:16,17 104:13	50:13 52:1 59:15
	42:16 58:14 77:19	104:22 116:3	turned 53:13,14	70:10 71:14
	80:10 86:8 90:20	120:15,17,21	73:1	unruly 41:8
	91:3 108:15,16	timely 47:17	twice 6:16 17:19	updated 55:1 84:11
				upside 53:13,15
<hr/>				
T				
<hr/>				
t/a 1:6				

use 30:20 57:6 59:2 59:5 utilizing 31:19	67:1 70:12 71:2 72:8 ways 17:15 21:21 we're 45:17 105:6 weak 90:18 wearing 53:18 website 82:16 83:3 83:13 week 35:1 76:5,7,8 121:4,4 weekend 50:7 weekends 17:12 welcome 40:12 64:12 went 8:3 13:7 36:1 49:13 50:10 52:20 61:9 weren't 25:9,15 33:12 40:2 55:6 whatsoever 14:1 27:8 39:8 69:13 70:11 wife 105:2 Williams 81:1,13 words 66:18 work 16:20,21 27:16 60:17 68:19 68:19 79:6 80:3 83:20 92:17 110:4 116:19 worked 5:18 9:1 10:13 15:18 17:17 18:5 27:17 28:21 75:7,7 110:11 working 3:18 33:1 40:21 42:1,9 52:12 54:2 67:16 68:6,21 99:19 100:3 110:10 worth 99:16,17 wouldn't 41:9 90:16 91:20 98:11 wristband 38:15,17 39:2,8 wristbands 31:2 38:10,12,14 49:17	53:12,13,14,19 writing 64:12	2012 19:3 20:17 31:5,10,13,14 32:14 33:11,22 34:1 38:9 49:7,12 51:6,8,20 52:3,9 52:14 53:22 54:9 56:5 88:2 117:10 2013 54:15 2014 1:10 54:16 21 22:7 23:13,14 26:20 27:7 38:15 38:17 39:1 49:17 50:21 51:17 52:22 53:11,18 54:6 56:18 61:10 69:19 89:14 21s 61:6 69:9,19 2231 68:8 237 1:7 2:6 83:14 25 52:9,14 104:16 25th 52:18 26 49:11 51:20 52:3 52:20 84:7 88:2 117:10 26th 53:2,20 54:17 29 1:10 2nd 1:7 2:6 83:14	7 8 8 16:10,12,13 8,000 116:12 9 9:30 2:4 93491 1:8 2:7
V vague 64:16 vagueness 44:22 valet 66:9 108:21 valuable 119:17 varied 38:17 venture 33:1 ventures 94:21 verify 12:4 55:7 violation 115:2 violations 114:8,17 Virginia 5:20 20:13 77:1 111:9,14 visits 7:11 vote 43:11	Y yeah 19:6 119:18 year 53:18 56:5 year-olds 53:11 yearly 17:19 years 5:19 76:14,16 99:3 years-old 52:22 young 90:19	2013 54:15 2014 1:10 54:16 21 22:7 23:13,14 26:20 27:7 38:15 38:17 39:1 49:17 50:21 51:17 52:22 53:11,18 54:6 56:18 61:10 69:19 89:14 21s 61:6 69:9,19 2231 68:8 237 1:7 2:6 83:14 25 52:9,14 104:16 25th 52:18 26 49:11 51:20 52:3 52:20 84:7 88:2 117:10 26th 53:2,20 54:17 29 1:10 2nd 1:7 2:6 83:14		
W Wainer 51:7 52:4 52:16 wait 57:2 85:22 112:19 walk 53:18 63:17 want 4:2 9:14 44:3 45:6 47:15 56:6 60:6 61:15 63:4 64:17,20 65:20 66:22 67:12 68:21 84:15 85:9 87:8 87:12,20 94:11 96:8 112:18,19 119:7 120:3 wanted 4:4 26:4 51:12 56:11 108:1 wants 13:12 Washington 1:13 wasn't 18:15 22:21 26:5,9 27:22 36:20 41:16,21 62:15 watch 73:8 Watson 78:11 way 5:8 7:20 24:14 31:1 48:8,19 66:3	Z 0 1 1 53:22 54:9,15 1:00 121:12 1:30 121:17,18,21 122:10 10:45 2:2 11 52:21 12:17 122:20 14 49:14 14th 1:12 15 6:8 93:17 17 51:6 18 50:20,22 53:14 61:1 110:10 180 65:13 1998 66:7 76:19 1st 83:16,17	3 30 56:16 57:20 36 3:2 99:17 4 400S 1:13 44 104:16 49 3:17 65:20 99:5 99:16 100:19 105:16 106:6 107:3,8 5 5 54:16 5th 54:13 83:19 6 6 19:13,17 62 109:4,5,16,16,20		